



Planning Commission Agenda

Comprehensive Planning Manager:

Sandy Belson 541.736.7135

Administrative Specialist:

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City Attorney's Office:

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City Hall
225 Fifth Street
Springfield, Oregon 97477
541.726.3610

Planning Commissioners:

Isaac Rhoads-Dey, Chair

Andrew Buck, Vice-Chair

Matt Salazar

Seth Thompson

Steven Schmunk

Alan Stout

Bruce Webber

Come in person or join by Zoom as an Attendee:

<https://us06web.zoom.us/j/88505682487>

Or Telephone:

+1 971 247 1195 US (Portland)

833 928 4608 US Toll Free

Webinar ID: 885 0568 2487

All proceedings before the Planning Commission are recorded.

To view agenda packet materials or view a recording after the meeting, go to

SpringfieldOregonSpeaks.org

May 7th, 2024

7:00 p.m. Regular Session

Council Chambers (City Hall) & via Zoom

Council Chambers is ADA accessible. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available, as well as an Induction Loop for the benefit of hearing aid users.

CALL TO ORDER**ATTENDANCE**

Chair Rhoads-Dey _____, Vice Chair Buck _____, Salazar _____,
Thompson _____, Schmunk _____, Stout _____, and Webber _____.

PLEDGE OF ALLEGIANCE**APPROVAL OF THE MINUTES**

- April 2nd, 2024 Joint Springfield & Lane County Session
- April 2nd, 2024
- April 16th, 2024

BUSINESS FROM THE AUDIENCE

PUBLIC HEARINGS

- 1) **Major Variance for Proposed Dispensary at 1853 2nd Street**
Staff: Tom Sievers, Senior Planner
20 Minutes
- 2) **Discretionary Use for Short Term Rental at 921 S. 67th Street**
Staff: Andy Limbird, Senior Planner
20 Minutes

CONDUCT OF QUASI-JUDICIAL PUBLIC HEARING

- Staff explanation of quasi-judicial hearing process (ORS 197.763 and Springfield Development Code 5.1.500)
- Chair opens the public hearing
- Commission members declaration of conflicts of interest, bias, or “ex-parte” contact
- Any challenges to the impartiality of the Commissioners or objection to the jurisdiction of the Commission to hear the matter
- Staff report
- Testimony from the applicant
- Testimony in support of the application
- Testimony neither in support of nor opposed to the application
- Testimony opposed to the application
- Rebuttal from the applicant
- Staff comment
- Planning Commission questions to staff or public
- Close or continue public hearing; close or extend written record (continuance or extension by motion)
- Planning Commission Deliberations – discussion of the proposal including testimony and evidence addressing the applicable approval criteria
- Motion to approve as presented, approve with modifications, or deny the application based on the Commissions’ findings of fact contained in the staff report, oral and written testimony, and other evidence submitted into the record

REPORT ON COUNCIL ACTION

BUSINESS FROM THE PLANNING COMMISSION

BUSINESS FROM THE DEVELOPMENT AND PUBLIC WORKS DEPARTMENT

ADJOURNMENT



Draft Joint Springfield & Lane County Planning Commission Minutes – April 2nd, 2024

Springfield & Lane County Planning Commissions

Draft Minutes for Tuesday, April 2nd, 2024

Work Session 6:00 pm

Meeting held in Jesse Maine Room (City Hall) and via Zoom

Springfield Planning Commissioners Present: Chair Rhoads-Dey, Vice Chair Buck, Stout, Webber, and Schmunk

Excused Absence: Salazar, Thompson

Lane County Planning Commissioners Present: Chair Choate, Kashinsky, Dignam, Hanks, Lay

Absent: Peacock, Wihtol, Snider, Hadley

Springfield Staff: Sandy Belson, Comprehensive Planning Manager; Sarah Weaver, Planning Commission Assistant; Kristina Kraaz, Assistant City Attorney; Monica Sather, Comprehensive Planner; Drew Larson, Senior Transportation Planner; Allie Camp, Economic Development Manager

Lane County Staff: Lindsey Eichner, Assistant Planning Director; Jared Bauder, Senior Planner

Willamalane (Applicant) Staff: and Representatives: Michael Wargo, Executive Director; Eric Adams, Planning Parks & Facilities Director; Kenny Weigandt, Community Engagement Director; Jackie Rochefort, Planning and Natural Resources Manager; Kristina Boe, Senior Planner; Colin McArthur, Willamalane Consultant

Chair Rhoads-Dey called the Work Session to order at 6:00 p.m.

Chair Choate called the Work Session to order at 6:01 p.m.

Item(s):

- **Willamalane 2023 Park & Recreation Comprehensive Plan**
Springfield staff: Monica Sather, Comprehensive Planner
Lane County staff: Jared Bauder, Senior Planner
45 Minutes

Monica Sather / Springfield Staff, Jared Bauder / Lane County staff: gave a PowerPoint presentation on the Willamalane 2023 Park and Recreation Comprehensive Plan ("2023 Plan," "Plan"). Described the overall purpose of the plan, explained the scope of the land use planning actions needed to adopt the 2023 Plan, and referenced the relevant criteria of approval for amending the Eugene-Springfield Metropolitan Area General plan and adopting the 2023 Plan

Commented [WS1]: Assistant Planning Director was the title that Jared gave me. We should probably stay with his title.

Commented [SM2R1]: Ooooh- yes! Just saw that change on the County's webpage. Good news for her/us!



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as the Recreation Element of the Springfield Comprehensive Plan. Those actions require joint considerations by the Planning Commissions (and ultimately joint adoption by City Council and the Lane County Board of County Commissioners).

Jared explained that since two of Willamalane's properties, Harvest Landing and Thurston Hills Natural Area, are outside of Springfield's Urban Growth Boundary and solely within Lane County's land use jurisdiction, they require separate consideration by the Lane County Planning Commission and action by the Lane County Board of County Commissioners to adopt Willamalane's Comprehensive Plan as a special purpose plan within Lane County's Rural Comprehensive Plan. This is accomplished by adding a minor text amendment to Lane Code 16.400(4)(b) Special Purpose Plan as presented in the PowerPoint slides. The codified list is the appropriate place to note Willamalane's 2023 Plan as opposed to the limited examples listed in the Rural Comprehensive Plan document. Given Willamalane's application meets the applicable approval criteria, staff will recommend that the Planning Commission approve the Willamalane 2023 Park and Recreation Comprehensive Plan during the Public Hearing at 7:00 p.m.

Michael Wargo / Willamalane Staff: Thanked the Commissions for the opportunity to speak this evening, gave broader context of the need for the 2023 Plan, and gave a brief presentation on the update to the Willamalane Comprehensive Plan. The proposed Plan was approved unanimously by the Board of Directors in 2023. He confirmed that while it has been approved, there remains a flexibility to amend the 2023 Plan, if deemed necessary. Expressed gratitude for Willamalane's collaboration with the City and Lane County.

Kristina Boe / Willamalane Staff: gave a PowerPoint presentation to provide an overview of the purpose of Willamalane's comprehensive planning efforts, the planning process (e.g., community engagement, other analysis, results from the needs assessment), and the outcomes resulting from it. Reminded the Commission that Willamalane last attended a Planning Commission meeting in 2022 to share findings from the Community Needs Assessment.

Questions from the Commissioners:

Lane County Chair Choate: Were there any significant changes from Willamalane's presentation given to the Commissioners during the November 2022 work session about the Needs Assessment?

Kristina Boe / Willamalane Staff: When Willamalane presented the Needs Assessment analysis last year, the findings had not yet been completed. They are included in tonight's packet. The presentation last year was focused on the Committee for Citizen Involvement presentation and its results, from which the key strategies, goals, and capital project list were developed.

Springfield Vice Chair Buck: Appreciated the interactions with Willamalane and opportunities to see progress as the Plan has been developed throughout the project. As the State has given



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municipalities aggressive housing goals, were we able to incorporate these mandates in the Comprehensive Plan?

Eric Adams / Willamalane Staff: With respect to increasing housing opportunities through infill and in light of the State's Climate-Friendly and Equitable Communities Rules, the consultants took anticipated population growth into consideration as well as the geographical distribution of the projects over the 10 – 20-year planning period. Willamalane has a mixed approach of adding new parks along with being mindful of upkeep and improvements as well as upgrades of current park stock.

Commissioner Schmunk: Table A2-5 of Exhibit A page 149 of 325 # 9 in the packet talks about goals and what is applicable. Given that System Development Charges (SDCs) and general obligation bonds are a huge barrier to housing, why does the 2023 Plan not address that?

Monica Sather / Springfield Staff: The Staff Report was prepared after Exhibit A had been created. The staff report made additional findings as to housing beyond Exhibit A and found consistencies with regard to population needs, land availability, and coordinated planning efforts but did not explicitly address affordability.

Commissioner Schmunk: expressed appreciation and use of Willamalane parks beginning at a young age, enjoyment of festivals, commended the great park system and great job Willamalane is doing. Further clarified interest in understanding why a discussion about housing did not seem relevant or important to the 2023 Plan based on the information presented in Table A2-5.

Commented [SM3]: I think important to include here because don't want to represent him as being only negative and think would appreciate that we were as accurate as possible in including all of his views.

Eric Adams / Willamalane Staff: It is his understanding that the City is responsible for ensuring an adequate supply of developable land for housing and the mixture of housing stock meets the needs of population growth projections. The projections are based on a distribution of different unit types to meet workforce housing and other population demographics. Willamalane is aware of the cost implications of its revenue streams on the delivery of housing types and the number of housing types within the community. As it relates to fulfilling all aspects of Goal 10 as part of Willamalane's 2023 Plan, that is a separate matter that falls outside of the Comprehensive Plan Amendment process. Willamalane is currently updating its SDCs and affordability is one of the criteria being addressed.

Michael Wargo / Willamalane Staff: confirmed that they are meeting with TEAM Springfield, City staff, and community stakeholders to ensure that their SDC fees are in alignment with the City's SDC fees and they are updating their funding methodology to address affordability issues.

Kristina Kraaz / Springfield Staff: pointed out that there is an error in Exhibit A A2-5 table: Statewide Goal #9 is Economic Development and Goal # 10 is Housing. For the record, the current discussion is focused on Statewide Goal #10.



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Springfield Chair Rhoads-Dey: Is the funding plan included in the packet based on current SDC fees or future SDC fees? After potential adoption of this Comprehensive Plan, will the Commission have the opportunity to get into more detail about the funding sources to achieve its goals? Is the funding plan something that will be deliberated by Springfield City Council or does Springfield Council approve the Comprehensive Plan and Willamalane independently creates their own funding plan?

Kristina Boe / Willamalane Staff: The project list will be integrated into the updated SDC methodology. The project list in the packet reflects the last SDC methodology. The Comprehensive Plan presented tonight is Willamalane's vision for the future and once adopted, the funding strategies are adopted by Willamalane's Board of Directors.

Michael Wargo / Willamalane Staff: The Comprehensive Plan is based on the needs of the community and what the cost could be. Then it is up to the Willamalane Board to determine the fee schedules and other funding sources to realize the Plan. The SDCs have a limited dedicated use, which addresses the impact of new developments. He reminded the Commissioners that the funding strategies adopted by Willamalane's Board of Directors goes through a public process to involve the community in establishing the resources to realize their plan and that the 2023 Plan includes several funding strategies beyond SDCs to deliver services.

Jackie Rochefort / Willamalane Staff: added that the prices in the Plan are based on post-pandemic prices, which represents an unprecedented 25% to 30% increase with regard to materials and labor.

Springfield Vice Chair Buck: Aside from funding, what challenges does Willamalane foresee in realizing the proposed plan?

Kristina Boe / Willamalane Staff: The Plan includes many, many projects, likely more than Willamalane can realistically accomplish given the timeframe. They intend to make as much progress as possible with the limited resources at their disposal and work toward prioritizing the projects accordingly.

Michael Wargo / Willamalane Staff: The key will be to prioritize what the community has told us are important. In doing so through upgrades or identification of new projects, the goal will be to keep programs affordable while operating to a high standard.

Springfield Chair Rhoads-Dey adjourned the Work Session.

Lane County Chair Choate adjourned the Work Session.

Springfield & Lane County Planning Commissions **Draft Minutes for Tuesday, April 2nd, 2024**



Draft Joint Springfield & Lane County Planning Commission Minutes – April 2nd, 2024



Regular Session 7:00 pm

Chair Rhoads-Dey called the Public Hearing to order at 7:00 p.m.

Chair Choate called the Public Hearing to order at 7:01 p.m.

Springfield Planning Commissioners Present: Chair Rhoads-Dey, Vice Chair Buck, Stout, Webber, and Schmunk

Excused Absence: Salazar and Thompson

Lane County Planning Commissioners Present: Chair Choate, Kashinsky, Dignam, Hanks, Lay

Absent: Peacock, Wihtol, Snider, Hadley

Springfield Staff: Sandy Belson, Comprehensive Planning Manager; Sarah Weaver, Planning Commission Assistant; Kristina Kraaz, Assistant City Attorney; Monica Sather, Comprehensive Planner; Haley Campbell, Senior Planner; Chelsea Hartman, Senior Planner; Drew Larson, Senior Transportation Planner

Commented [SM4]: Though technically in the room, I think remove because did not work on this item.

Commented [WS5R4]: I always put who was in the room.

Lane County Staff: Lindsey Eichner, Assistant Planning Director; Jared Bauder, Senior Planner

Willamalane (Applicant) Staff and Representatives: Michael Wargo, Executive Director; Eric Adams, Planning Parks & Facilities Director; Kenny Weigandt, Community Engagement Director; Jackie Rochefort, Planning and Natural Resources Manager; Kristina Boe, Senior Planner; Colin McArthur, Willamalane Consultant

Item(s):

- **Willamalane 2023 Park & Recreation Comprehensive Plan**
Springfield staff: Monica Sather, Comprehensive Planner
Lane County staff: Jared Bauder, Senior Planner
25 Minutes

1 – Explanation of procedural requirements

Chair Rhoads-Dey welcomed the Commissioners and audience to the Joint Public Hearing, outlined the role of the Planning Commission and its Commissioners, explained hearing procedures, and specified the criteria applicable to the Planning Commissions' joint considerations. Stated the applicable criteria for the Public Hearing Item are: Springfield Development Code – Section 5.14.135. In general, the approval criteria require that any plan amendments must be consistent with the applicable Statewide Planning Goals, the Metro Plan, and the Springfield Comprehensive Plan.



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Lane County Chair Choate: Lane County Chair Choate further clarified the process to speak for any members of the public phoning in. Described the nature of the amendments specifically applicable to Lane County. Stated the applicable criteria for the Public Hearing Item are: 12.300.030 (Metro Plan Amendment Criteria); Statewide Planning Goals for the elements of the project requiring co-adoption; and Lane Code 16.400 (Rural Comprehensive Plan Amendments) including compliance with the Statewide Planning Goals and Rural Comprehensive Plan Policies for adoption of Willamalane’s Park and Recreation Comprehensive Plan as a Special Purpose Plan of the Rural Comprehensive Plan.

2 – Open the hearing

Springfield Chair Rhoads-Dey introduced staff, called for a statement of actual or potential conflict of interest from the Springfield Planning Commissioners:

Chair Rhoads-Dey: stated that he had a potential conflict of interest since he is a realtor and property owner in the area.

Vice Chair Buck: stated that he had a couple of potential conflicts of interest since he serves on the Willamalane Budget Committee, is a home and property owner in Springfield, and is an insurance agent with business in the area.

Commissioner Schmunk: stated he has no bias or undisclosed conflicts.

Commissioner Stout: stated that he had no potential conflicts of interest.

Commissioner Webber: stated he had no potential conflicts of interest.

Lane County Chair Choate: called for a statement of actual or potential conflict of interest from the Lane County Planning Commissioners:

Chair Choate: has a potential conflict of interest since he works for Jerry’s Home Improvement, which has a store in Springfield.

Commissioner Kashinsky – None

Commissioner Dignam – None

Commissioner Hanks: stated that she has a potential conflict of interest as a property owner in Springfield that her agency does management for.

Commissioner Lay – None

Commented [SM6]: This was done during the work session portion instead of at the hearing.

Commented [WS7R6]: This is how the agenda is set up. That's why it is here.

3 – Staff report

-



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Monica Sather / Springfield Staff, Jared Bauder / Lane County staff: Described the overall purpose of the plan, explained the scope of the land use planning actions needed to adopt the 2023 Plan, and referenced the relevant criteria of approval for amending the Eugene-Springfield Metropolitan Area General plan and adopting the 2023 Plan as the Recreation Element of the Springfield Comprehensive Plan. Those actions require joint considerations by the Planning Commissions (and ultimately joint adoption by City Council and the Lane County Board of County Commissioners).

Jared explained that since two of Willamalane's properties, Harvest Landing and Thurston Hills Natural Area, are outside of Springfield's Urban Growth Boundary and solely within Lane County's land use jurisdiction they require separate consideration by the Lane County Planning Commission and action by the Lane County Board of County Commissioners to adopt Willamalane's Comprehensive Plan as a special purpose plan within Lane County's Rural Comprehensive Plan. This is accomplished by adding a minor text amendment to Lane Code 16.400(4)(b) Special Purpose Plan as presented in the PowerPoint slides. The codified list is the appropriate place to note Willamalane's 2023 Plan as opposed to the limited examples listed in the Rural Comprehensive Plan document.

4 – Testimony from interested parties:

Testimony from the applicant: Colin McArthur, Applicant Representative: gave a PowerPoint presentation (attached) to provide testimony on why Willamalane's 2023 Comprehensive Plan and associated plan amendments meet the applicable approval criteria.

Commented [BS8]: Sarah, if you don't already have it, you'll need to get this presentation and attach it to the minutes.

In Favor – None

Neutral – None

Against – None

5 – Clarifying questions from Commissioners:

Commissioner Schmunk: The 2023 Plan appears to be derived from the 2012 Comprehensive Plan document and the 2021 DEI Strategic Action Plan. Are those the two primary documents Willamalane used to create the 2023 Plan?

Colin McArthur / Applicant Representative: confirmed that the current 2023 Plan updates the 2012 Comprehensive Plan and its appendices. It's one document separated into two parts (main narrative and the appendices). The DEI informed the Comprehensive Plan process but is not adopted as part of the 2023 Plan.



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Kristina Boe / Willamalane Staff: The DEI Strategic Action Plan is referenced often since it is the most recent document adopted by the Board of Directors along with a number of park master plans and other plans the Board has adopted that were considered in the process. The 2023 Plan integrates priorities from the Strategic Action Plan document and others.

Commissioner Schmunk: With regard to the DEI Strategic Action Plan, did Willamalane consider any opinions that were not in support of DEI or DEI goals or of the 2023 Plan? It appears that the DEI Strategic Action Plan is referenced in the 2023 Plan more than any other document and is a significant impact to the 2023 Plan.

Kristina Boe / Willamalane Staff: Because the DEI Strategic Action Plan was the most recently adopted Plan by the Board, we integrated it so that all plans adopted by the Board are consistent with one another. We did not critique the DEI Strategic Action Plan as part of the Comprehensive Plan.

Commissioner Schmunk: The goals of the DEI document appear to be one-sided and not balanced. The 2023 Plan does not acknowledge criticisms of the DEI Strategic Action Plan. When the DEI was being considered, did someone present an alternate view to the DEI as it is presented? Why were criticisms of DEI policy not acknowledged?

Colin McArthur / Applicant Representative: pointed out that the DEI Strategic Action Plan is not part of the adoption package and this line of questioning is not relevant to the criteria of approval. This is something that he would be more than happy to discuss after the meeting has been concluded. We are not asking for the DEI Plan to be adopted.

Commissioner Schmunk: When Willamalane presented the 2023 Plan to those in support of DEI, did Willamalane present an alternate view of DEI or present the 2023 Plan to people who may have alternative views to DEI?

Michael Wargo / Willamalane: The DEI Strategic Action Plan was unanimously approved. We opened it up to public comment and we did not receive any opposition. There were multiple opportunities for community members to voice their opinion about the DEI Strategic Action Plan and we received no negative comments about it. We held multiple town halls about this with underserved members of our population and with the general population. Our mission itself is to deliver exceptional parks and recreation to enrich the lives of everyone we serve (emphasis on everyone). We gave everyone an opportunity to voice opposition to DEI and have not had any.

Kenny Weigandt / Willamalane: informed the Commissioners that Willamalane reached out to 3,800 community members through a statistically valid survey, open survey, and other events. The feedback was collected and with the support of a consultant they created an informed plan. The DEI Strategic Action Plan helps us make sure we have materials in English and Spanish,



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that we are not just reaching people only at Willamalane events but at the Springfield Public Library or with the School District so people do not have to always come to us.

Commissioner Schmunk: From what the 2023 Plan document presents, the public would not have gotten a fair view of the implications of the DEI Strategic Action Plan, such as intentionally overlooking certain people.

Eric Adams / Willamalane: pointed out that Willamalane took particular care of bringing Willamalane's Community Engagement Plan to the Springfield Committee for Citizen Involvement (CCI), which was unanimously approved. Willamalane continued to inform the Planning Commission/CCI of these approved efforts.

6 – Close or continue the hearing

Springfield Chair Rhoads-Dey: Closed the public hearing.

Lane County Chair Choates: Closed the public the hearing.

7 – Hold or open the Planning Commission Record

Springfield Chair Rhoads-Dey: Closed the public record.

Lane County Chair Choates: Closed the public record.

8 – Deliberations

Springfield Vice Chair Buck: moved to recommend adoption of the Willamalane 2023 Comprehensive Plan as presented in the packet as Attachment A.

Springfield Commissioner Webber: seconded the motion.

Springfield Chair Rhoads-Dey: expressed that Springfield's parks are really spectacular. Wanted to know if the Commission could wait to approve the Comprehensive Plan until the SDC fees were agreed upon.

Kristina Kraaz / Springfield: informed the Commissioners that a recommendation to the City Council to weigh in to Willamalane's System Development Charges (SDC) fee rates is not within the scope of Planning Commission's action on the 2023 Plan item. The City Council does not have approval authority over Willamalane's SDC fees. Willamalane sets its own SDC fee schedules.

Springfield roll call vote:

Commented [SM9]: Intentional not to put Commissioner Schmunk's reason for the no vote here?

Commented [WS10R9]: I usually avoid putting opinions in the minutes. I covered his question as diplomatically as I could.



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Rhoads-Dey – Aye
Buck – Aye
Thompson – Aye
Schmunk – No
Stout – Aye
Webber – Aye

Motion passes – 4 / 1 / 2 Absent

Lane County Commissioner Kashinsky: moved that the Planning Commission recommend that the Lane County Board of County Commissioners approve 509-PA-05048 as presented.

Lane County Commissioner Hanks: seconded the motion.

Lane County Commissioner Dignam: expressed intent to support the motion. Emphasized agreement that Willamalane operates at a gold metal standard. As a resident of rural Lane County, has been impressed with sense of safety and cleanliness of Willamalane's facilities.

Lane County roll call vote:

Choate – Aye
Lay – Aye
Dignam – Aye
Hanks – Aye
Kashinsky – Aye

Motion passes – 5 / 0 / 4 Absent

Chair Rhoads-Dey closed the Regular Session.

Chair Choate closed the Regular Session.

ADJOURNMENT – 7:39 p.m.

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Springfield Planning Commission

Draft Minutes for Tuesday, April 2nd, 2024

7:30 p.m. (approx.) Public Hearing

(followed Joint Public Hearing with Lane County)

Meeting held in Jesse Maine Room (City Hall) and via Zoom

Planning Commissioners Present: Chair Rhoads-Dey, Vice Chair Buck, Stout, Webber, and Schmunk

Excused absence – Salazar, Thompson

Staff: Sandy Belson, Comprehensive Planning Manager; Sarah Weaver, Planning Commission Assistant; Kristina Kraaz, Assistant City Attorney; Haley Campbell, Senior Planner; Chelsea Hartman, Senior Planner

Lane County: Jared Bauder, Senior Planner

Chair Rhoads-Dey called the Regular Session to order at 7:40 p.m.

PLEDGE OF ALLIAGENCE – Led by Commissioner Schmuck

APPROVAL OF THE MINUTES

March 19th, 2024 - **Approved**

BUSINESS FROM THE AUDIENCE

Sue Howe, 794 S. 70th Street: Permits were issued to build two 4-unit townhouses within five feet of Jesse Maine Park. These units do not fit with the neighborhood. In addition, there are two duplexes being built in the area as well. Potentially, there could be an additional 24 cars driving in from Main Street. They were originally told that these properties would only allow single family dwellings or duplexes. They were also told that no trees would be felled, but 40 old growth trees were removed. This was also detailed in the Deed of the property, which stipulated that no trees may be felled on that property.

Carrie Ruhe, 739 S. 70th, is also concerned about the new developments. The streets are without sidewalks and the increase of traffic presents concerns about safety, traffic, crime, and parking. This development could also adversely affect their property values. These new units are not affordable housing, which means the only one benefiting from the development is the property owner.

Larry Ruhe, 739 S. 70th, lives across the street from the new development with his wife Carrie. He stated that they took advantage of the new regulations to create an accessory dwelling unit. They built a small rental on their property for that reason. He also noted that they were

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originally informed that only single dwellings would be built and, without notice, fourplexes are being built. Crime has increased in the last few years and they are worried about increased density making crime even more prevalent.

Chair Rhoads-Dey: called the Public Hearing to order.

Item(s):

- **Public Hearing: Housing in Non-Residential Areas - Code Amendments**
Staff: Haley Campbell, Senior Planner
25 Minutes

Haley Campbell / Staff: gave a PowerPoint presentation on the Housing in Non-Residential Areas – Code Amendments.

Testimony from interested parties:

Phil Farrington, CDC Management Corp, 101 E. Broadway Street, STE 103, Eugene, OR 97401 / Represents a property owner within the mixed-use commercial zone. He supports the Code Amendment that will allow the property owners to develop or redevelop real estate that could become affordable housing opportunities. He informed the Commission that he submitted public comment through Springfield Oregon Speaks. He pointed out that compelling ground floor commercial use is not to the benefit of market-rate housing in mixed use commercial zones.

In response to a question from Chair Rhoads-Dey, Phil Farrington stated that the requirement for ground-floor commercial on major streets is a valid one. In other areas, this requirement should not be necessary. Waving the requirement for ground floor commercial on non-major / arterial streets would open up real estate for residential use.

Haley Campbell / Staff: The Mixed-Use Commercial district requires preservation of the commercial land supply. City staff will review Phil Farrington's suggestion for Mixed Use Commercial and the other mixed-use districts at a later date with a grant from the Department of Land Conservation and Development.

Chair Rhoads-Dey closed the public hearing.

Vice Chair Buck: moved to approve the Order in Attachment 1 of the agenda packet for this item, recommending the City Council adopt the proposed code amendments.

Commissioner Schmunk seconded the motion.

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Rhoads-Dey – Aye

Buck – Aye

Schmunk – Aye

Webber – Aye

Stout – Aye

Motion passed: 5 in favor and 2 absent

REPORT OF COUNCIL ACTION - None

BUSINESS FROM THE PLANNING COMMISSION - None

BUSINESS FROM THE DEVELOPMENT AND PUBLIC WORKS DEPARTMENT

Sandy Belson / Staff: confirmed that there will be a public hearing on May 7th. It is unclear, if there will be a work session as well. She will notify the Commissioners when the agenda has been finalized. She reminded the Commissioners that if they log into Springfield Oregon Speaks (SOS), when they read public comment - then SOS will show that they have read the comment.

Chair Rhoads-Dey adjourned the regular session.

ADJOURNMENT – 8:33 p.m.

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Springfield Planning Commission

Draft Minutes for Tuesday, April 16th, 2024

Regular Session 7:00 pm

Meeting held in the Council Chambers (City Hall) and via Zoom

Council Chambers is ADA accessible.

Planning Commissioners Present: Chair Rhoads-Dey, Vice Chair Buck, Stout, Schmunk, Salazar, Webber, and Thompson

Absent: None

Staff: Sandy Belson, Comprehensive Planning Manager; Kristina Kraaz, Assistant City Attorney; Mark Rust, Current Planning Manager; Andy Limbird, Senior Planner; Sarah Weaver, Planning Commission Assistant

Springfield Utility Board: Keoki Lapina, Engineering Supervisor; Dan Halverson, Applicant's Representative, Senior Planner - Satre Group

Chair Rhoads-Dey called the Planning Commission Regular Session to order at 7:00 p.m.

PLEDGE OF ALLIAGENCE – Led by Chair Rhoads-Dey.

APPROVAL OF THE MINUTES – None

BUSINESS FROM THE AUDIENCE – None

PUBLIC HEARING ITEM

1) Springfield Utility Board Zoning Map Amendment

Staff: Andy Limbird, Senior Planner

Kristina Kraaz, City Attorney, read a brief statement regarding the Quasi-Judicial hearing and conflicts of interest.

Chair Rhoads-Dey opened the Public Hearing and called for statements on a potential or actual conflict of interest.

Conflicts of Interest:

- Rhoads-Dey – has a potential conflict of interest since he is an active real-estate broker in the community. He is a homeowner in Springfield and is a Springfield Utility Board customer. He has no ex parte contact or independent knowledge.
- Buck – has no ex parte contact or independent knowledge. He has a potential conflict of interest as a commercial insurance agent practicing in the area. He also has a student

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who attends a school nearby and owns property in Springfield and is a Springfield Utility Board customer.

- Salazar – has a potential conflict of interest since is a homeowner in Springfield and is a Springfield Utility Board customer.
- Thompson – also has a potential conflict of interest since he is a homeowner in Springfield and is a Springfield Utility Board customer.
- Stout – has no actual conflict of interest, no ex parte contact or independent knowledge except for taking walks near the property. He has a potential conflict of interest as a property owner and SUB customer.
- Schmunk – has no conflict of interest or bias. He did visit the site but it does not affect his impartiality. He is a property owner and SUB customer as well.
- Webber – also has a potential conflict of interest since he is a homeowner in Springfield and is a Springfield Utility Board customer.

Andy Limbird / Staff: gave a presentation on the Springfield Utility Board (SUB) Zoning Map Amendment. Confirmed the School District is aware of the utility project near Thurston Middle School and doesn't have any concerns.

Commissioner Schmunk: asked if there were trees on the property and how many acres will be occupied by the facility?

Andy Limbird / Staff: confirmed that there were trees on the eastern and southern boundaries of the property and that the facility would occupy about 3 acres leaving room for the parking lot and emergency access. Because there are many homes around the facility, SUB, the City and Fire department would like to have additional emergency access. They have planned for a series of walkways granting the facility with additional emergency access – extending from 65th Street and connecting to 66th Street and Thurston school.

Commissioner Thompson: wanted to know, if the facility was not approved, could this property be developed with a minimum of 25 single unit dwellings?

Andy Limbird / Staff: That is correct. The City has anticipated the need for utilities in the Comprehensive Plan and this facility is well within the acreage allotted for it.

Commissioner Salazar: would this facility help Springfield prepare for growth by the ability to serve more customers?

Andy Limbird: confirmed that this would increase SUB's capacity and expand their delivery volumes and prepare Springfield for future population growth.

Dan Halverson / Applicant's Representative: stated that the zone change would allow for SUB to develop a new water facility, which would provide safe and clean water for the City of Springfield's future growth. SUB agrees with the Staff report and once the zone change is approved, the next step would be to work on the facility's design and submit it for site review.

Draft Planning Commission Minutes – April 16th, 2024

Commissioner Stout: will there be any heavy electrical on site?

Dan Halverson / Applicant Representative: The facility does not need additional electric. They would have access to electrical through the adjacent school.

Keoki Lapina / Springfield Utility District: confirmed that all their power needs are on site. They do intend to build a back-up generator just in case of power failure.

Chair Rhoads-Dey called on the public to give testimony:

- In Favor – None
- Opposed – None
- Neutral – None

Commissioner Buck: moved close the Public Hearing and the record. Commissioner Schmunk seconded the motion.

Role call vote:

Webber – Aye
Stout – Aye
Schmunk – Aye
Thompson – Aye
Salazar– Aye
Buck – Aye
Rhoads-Dey – Aye

Motion passes unanimously.

Chair Rhoads-Dey: closed the Public Hearing.

Commissioner Buck moved to adopt the Order as presented in the packet as attachment 3 in this item as presented tonight. Commissioner Schmunk seconded the motion.

Webber – Aye
Stout – Aye
Schmunk – Aye
Thompson – Aye
Salazar– Aye
Buck – Aye
Rhoads-Dey – Aye

Motion passed: 7 / 0 / 0

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REPORT OF COUNCIL ACTION

Chair Rhoads-Dey: reported on the April 1st City Council meeting.

BUSINESS FROM THE PLANNING COMMISSION – None

BUSINESS FROM THE DEVELOPMENT AND PUBLIC WORKS DEPARTMENT

- Response to public comments regarding middle housing along South 70th Street.

The Commission will allow public comment before Mark Rust speaks to the Middle Housing rules.

Ms. Howe, South 794 South 70th Street: spoke with Mark Rust after the last meeting. She was informed by the developer, Royal T, that the City of Springfield is requiring Jesse Maine Park to build a cyclone fence and a locked gate. She stated that the neighboring houses feel this is not necessary. She was also informed by the developer that they are tearing down her fence and taking 22" of her yard away. They only gave her two days' notice to establish the property lines, which was not enough time to get representation and a surveyor to survey the property lines.

Caroline Ruhe, South 739 South 70th Street: is very concerned about the development on South 70th Street as well as the Finley Heights development on South 71st. There will be traffic issues when large developments are built. It should be evaluated for safety. She also spoke with neighbors and there are concerns about water run-off since the ground is clay. They are also very concerned that there is not enough parking for these developments.

Mark Rust / Staff: gave a detailed overview of the State's new mandate on Middle Housing and the notice requirements for triplexes and quadplexes, which have affected some residents along South 70th Street.

Commissioner Buck: It appears that the property owner was not given enough time to contest having their fence torn down. Is there anything that can be done?

Mark Rust / Staff: confirmed that the City of Springfield does not have standing in civil disputes.

Kristina Kraaz / Staff: agreed with Mark Rust that this issue is a civil matter and if the survey is incorrect, the property owner can reclaim expenses through the civil court process. State law considers such disputes as between property owners. The City would only be involved, if one of the adjoining properties belonged to the City. She encouraged the property owner to seek counsel.

Commissioner Salazar: Are there concerns of the pan handle / access to the site being changed, which would limit access?

Draft Planning Commission Minutes – April 16th, 2024

Mark Rust / Staff: stated that the site plan was sent to the Fire Marshal for review. The Fire Marshal requires a turnaround area which can be seen in the site plan but not on Mapspring.

Sandy Belson / Staff: sent the Commissioners an email informing them of a training opportunity with the Chinook Institute for Civic Leadership for staff on Friday and public servants on Saturday. If you are interested in taking part in either of the trainings, please contact the Planning Commission Assistant and she can arrange your participation.

We have a meeting on May 7th. There is not a Work Session scheduled for that evening. The meeting will begin at 7 P.M. and will consist of two public hearings.

ADJOURNMENT –8:16 PM

AGENDA ITEM SUMMARY**SPRINGFIELD
PLANNING COMMISSION**

Meeting Date: 5/7/2024
Meeting Type: Regular Meeting
Staff Contact/Dept.: Andy Limbird, DPW
Staff Phone No: 541-726-3784
Estimated Time: 20 Minutes
Council Goals: Promote and Enhance our Hometown
Feel while Focusing on Livability and
Environmental Quality

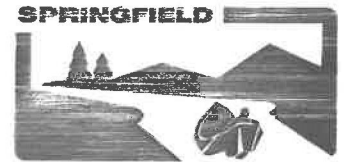
ITEM TITLE:	REQUEST FOR DISCRETIONARY USE PERMIT FOR A TYPE 2 SHORT-TERM RENTAL AT 921 SOUTH 67 TH STREET, CASE 811-24-000063-TYP3
ACTION REQUESTED:	Conduct a public hearing and adopt a Final Order allowing for, or denying, a single-unit dwelling to be used as a Type 2 short-term rental.
ISSUE STATEMENT:	The applicant has submitted a request for Discretionary Use Permit for an existing single detached dwelling on a cul-de-sac off South 67 th Street. The applicant is requesting the Discretionary Use Permit to allow the use of the property as a short-term rental for compensation and for periods less than 30 consecutive days. Dwellings that are not used as a primary residence are classified as a Type 2 short-term rental requiring Discretionary Use approval.
ATTACHMENTS:	<ol style="list-style-type: none">1. Application for Discretionary Use Permit2. Location Maps3. PC Final Order – Discretionary Use Permit Application 811-24-000063-TYP3 Exhibit A – Site Map and Legal Description Exhibit B – Staff Report and Findings for Discretionary Use Permit
DISCUSSION:	<p>The subject property is developed with a single-unit dwelling and is addressed as 921 South 67th Street (Assessor's Map 18-02-03-14, Tax Lot 1500). The applicant is requesting the Discretionary Use Permit to allow the use of the property as a short-term rental (e.g. Air BnB or VRBO, etc.) instead of as a primary residence.</p>

The property is currently designated Low Density Residential and zoned R-1 Residential District in accordance with the adopted *Metro Plan* diagram and the Springfield Zoning Map respectively. Within the R-1 Residential district, dwellings that are used as a short term rental for compensation and not used as a primary residence are classified as a Type 2 short-term rental under Springfield Development Code (SDC) 3.2.210. Approval of a Type 2 short-term rental is a Type 3 land use process requiring a public hearing and Discretionary Use approval by the Springfield Planning Commission. Additionally, the Special Use provisions of SDC 4.7.355 are applicable to all residential properties used as a short-term rental.

The Planning Commission is requested to conduct a public hearing on the request for Discretionary Use Permit at the regular meeting on May 7, 2024. The Planning Commission is requested to use this opportunity to review all materials and testimony submitted into the record, to conduct deliberations, and to vote on adopting the Final Order based on the totality of the information.

Staff is recommending two conditions of Discretionary Use approval for this proposal. The Planning Commission has the discretion and authority to implement these or other conditions of approval as may be required to meet the Discretionary Use Permit criteria of approval or in response to public testimony.

City of Springfield
Development & Public Works
225 Fifth Street
Springfield, OR 97477



Discretionary Use

Required Project Information		(Applicant: complete this section)	
Applicant Name: Adrian Sherrod		Phone: 619 820 1365	
Company:		Fax:	
Address: 921 S. 67 th Street, Springfield OR 97478			
Applicant's Rep.:		Phone:	
Company:		Fax:	
Address:			
Property Owner: Adrian Sherrod		Phone: 619 820 1365	
Company:		Fax:	
Address: 921 S. 67 th Street, Springfield OR 97478			
ASSESSOR'S MAP NO: 18 020314		TAX LOT NO(S): 01500	
Property Address: 921 S. 67 th Street, Springfield, OR 97478			
Size of Property: 7,405		Acres <input type="checkbox"/> Square Feet <input checked="" type="checkbox"/>	
Description of Proposal: If you are filling in this form by hand, please attach your proposal description to this application. Short term Rental			
Existing Use: Residence			
Signatures: Please sign and print your name and date in the appropriate box on the next page.			
Required Project Information		(City Intake Staff: complete this section)	
Associated Applications:		Signs: Placard given	
Case No.: 811-24 000063-Typ3		Date: 2/23/24	
Reviewed by: KW			
Application Fee: \$ 4978.00		Technical Fee: \$ 248.90	
		Postage Fee: \$ 489.00	
TOTAL FEES: \$ 5715.90		PROJECT NUMBER:	

Signatures

Applicant:

The undersigned acknowledges that the information in this application is correct and accurate.

Signature

Date: 02/23/2024

Print

Adrian Sherrod

Owner:

If the applicant is not the owner, the owner hereby grants permission for the applicant to act in his/her behalf.

Signature

Date:

Print

Discretionary Use Application Process

1. Applicant Submits a Discretionary Use Application to the Development & Public Works Department

- The application must conform to the *Discretionary Use Submittal Requirements Checklist* on page 4 of this application packet.
- Planning Division staff screen the submittal at the front counter to determine whether all required items listed in the *Discretionary Use Submittal Requirements Checklist* have been submitted.
- Applications missing required items will not be accepted for submittal.

2. City Staff Conduct Detailed Completeness Check

- Planning Division staff conducts a detailed completeness check within 30 days of submittal.
- The assigned Planner notifies the applicant in writing regarding the completeness of the application.
- An application is not be deemed technically complete until all information necessary to evaluate the proposed development, its impacts, and its compliance with the provisions of the Springfield Development Code and other applicable codes and statutes have been provided.
- Incomplete applications, as well as insufficient or unclear data, will delay the application review process and may result in denial.

3. Planning Commission or Hearings Official Review the Application, Hold a Public Hearing, and Issue a Decision

- This is a Type III decision and thus is made after a public hearing.
- A notice is posted in the newspaper, and notice is mailed to property owners and occupants within 300 feet of the property being reviewed and to any applicable neighborhood association. In addition, the applicant must post one sign, provided by the City, on the subject property.
- Written comments may be submitted to the Development & Public Works Department through the day of the public hearing or comments may be provided in person during the public hearing.
- Applications are distributed to the Development Review Committee.
- After a public hearing, the Planning Commission or Hearings Official issues a decision that addresses all applicable approval criteria and/or development standards, as well as any written or oral testimony.
- Applications may be approved, approved with conditions, or denied.
- The City mails the applicant and any party of standing a copy of the decision, which is effective on the day it is mailed.
- The decision issued is the final decision of the City but the Planning Commission's decision may be appealed within 15 calendar days to the City Council, and the Hearings Official's decision may be appealed within 21 calendar days to the Land Use Board of Appeals.

Discretionary Use Submittal Requirements Checklist

NOTE: If you feel an item does not apply, please state the reason why and attach the explanation to this form.

- ☐ **Submitted Concurrently** with Site Plan Review application, where applicable *ya*
- ☒ **Application Fee** - refer to the *Development Code Fee Schedule* for the appropriate fee calculation formula. A copy of the fee schedule is available at the Development & Public Works Department. The applicable application, technology, and postage fees are collected at the time of complete application submittal.
- ☒ **Discretionary Use Application Form**
- ☒ **Copy of the Deed**
- ☐ **Copy of a Preliminary Title Report** issued within the past 30 days documenting ownership and listing all encumbrances. *original provided - current one in 5-7 days*
- ☒ **Copy of the Associated Site Plan Reduced to 8½" by 11"**, which will be mailed as part of the required neighboring property notification packet.
- ☒ **Narrative** - explaining the proposal and any additional information that may have a bearing in determining the action to be taken, including findings demonstrating compliance with the Discretionary Use Criteria described in SDC 5.9-120.

NOTE: Before the Planning Commission or Hearings Official can approve a Discretionary Use request, information submitted by the applicant must adequately support the request. All of the Discretionary Use Criteria must be addressed by the applicant. Incomplete applications, as well as insufficient or unclear data, will delay the application review process and may result in denial.

Adrian Sherrod
921 S. 67th Street
Springfield, OR 97478

To whom it may concern,

Thank you for your consideration, I would like to receive approval for Discretionary Use, Short Term Rental, from the City of Springfield for the home I own located at:

Address:

921 S. 67th Street
Springfield, OR 97478

We are looking to purchase a second home and this additional income will be very helpful to my wife and I, as our little family continues to grow here in Oregon!

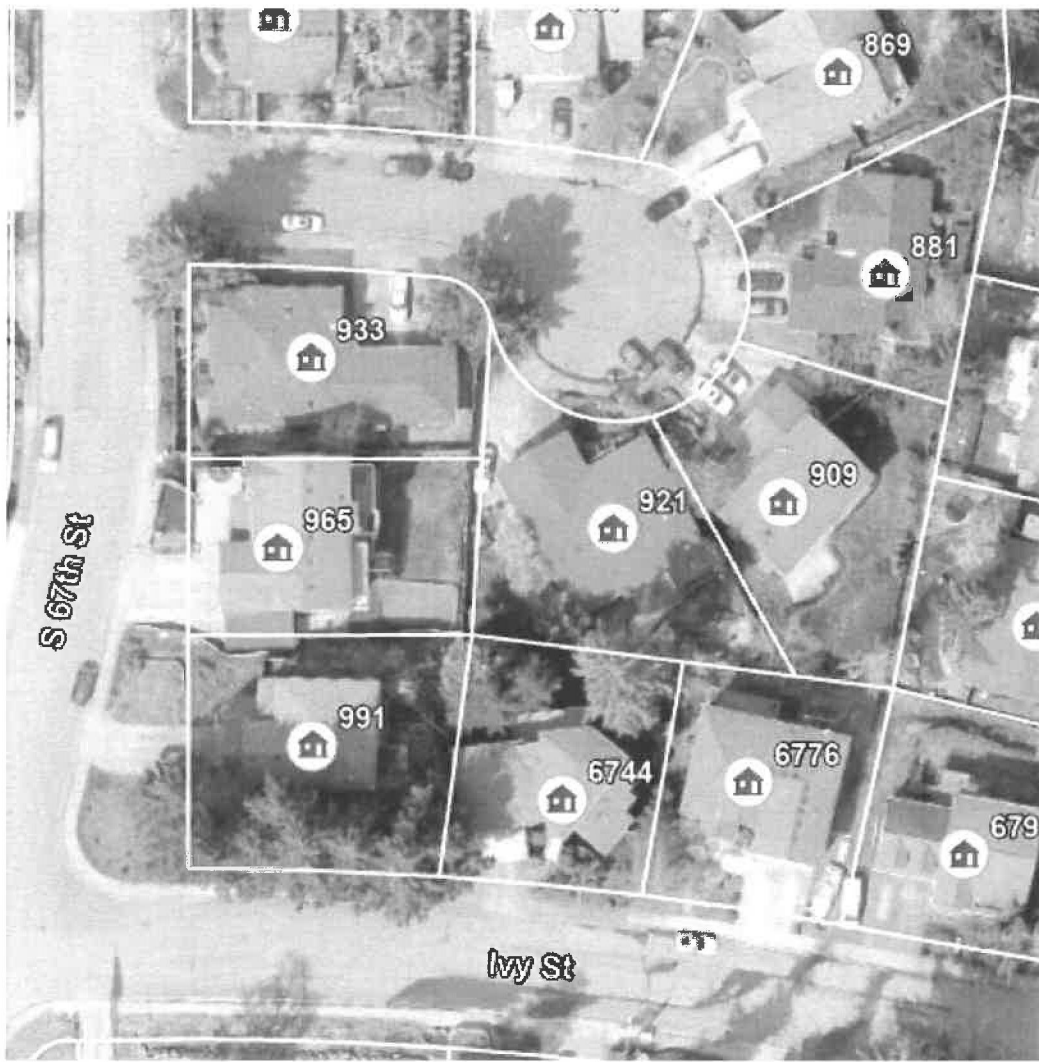
Do not hesitate to contact me at 619-820-1365 if you have any questions.

Regards,

Adrian Sherrod

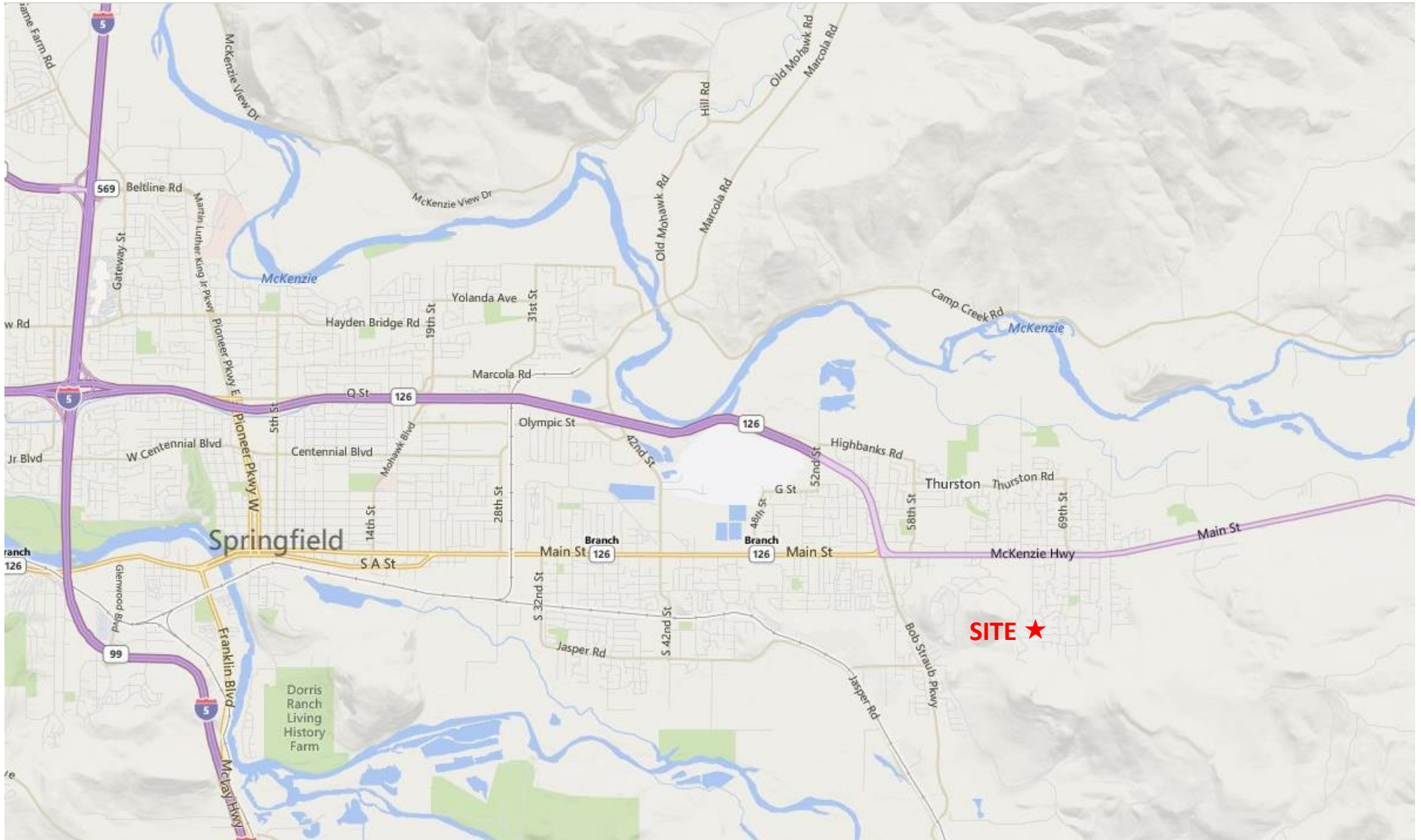
sherrodadrian@gmail.com

A handwritten signature in dark ink, appearing to read 'Adrian Sherrod', with a stylized, cursive script.

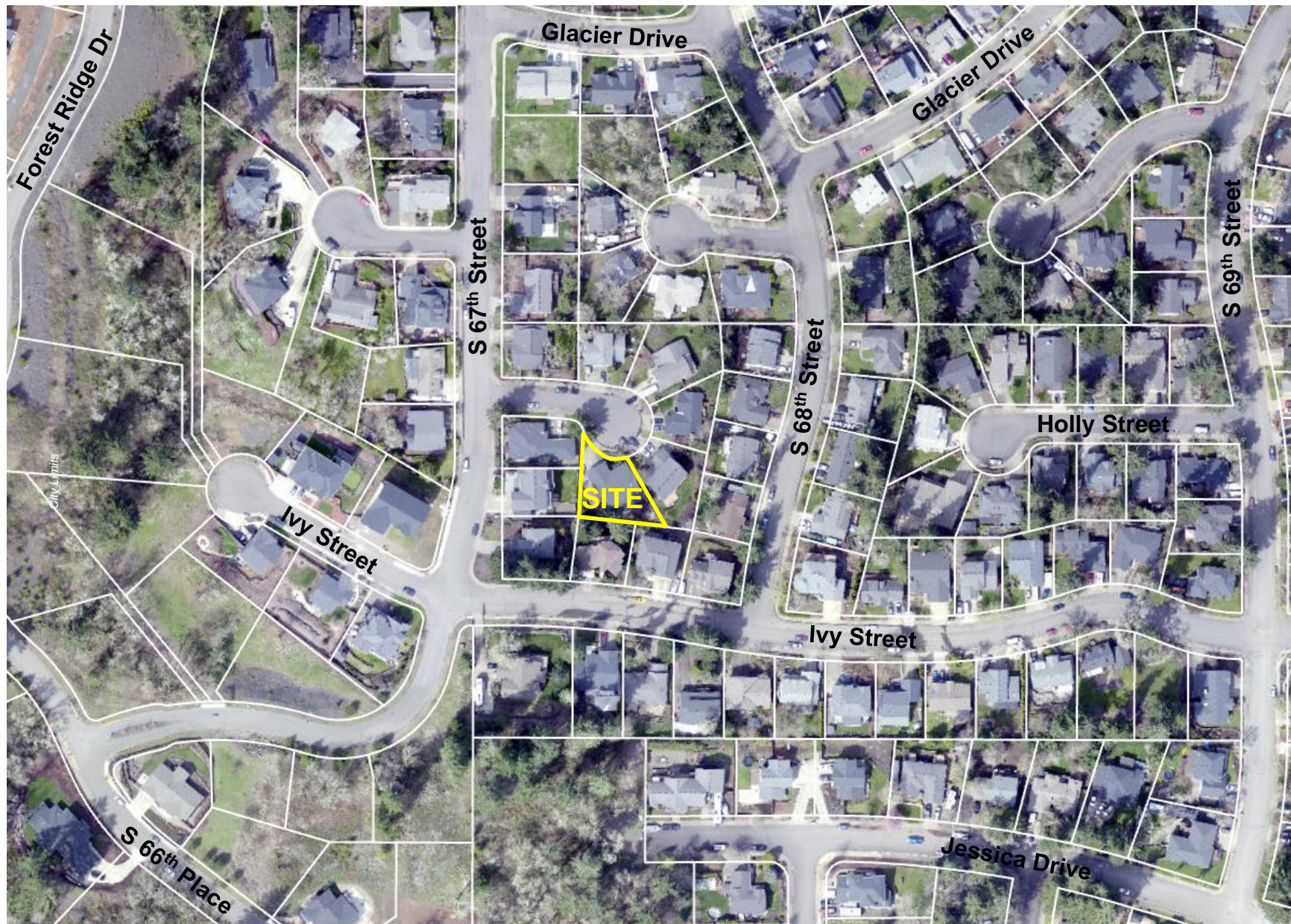




LOCATION OF PROPERTY SUBJECT TO DISCRETIONARY USE PERMIT



**811-24-000063-TYP3 – PROPOSED DISCRETIONARY USE PERMIT FOR TYPE 2 SHORT TERM RENTAL
921 SOUTH 67TH STREET (MAP 18-02-03-14, TAX LOT 1500)
SITE CONTEXT MAP**



**BEFORE THE PLANNING COMMISSION OF SPRINGFIELD, OREGON
FINAL ORDER FOR:**

**REQUEST FOR DISCRETIONARY USE PERMIT FOR A TYPE 2 SHORT-TERM RENTAL ON
PROPERTY ZONED R-1 RESIDENTIAL DISTRICT AND LOCATED AT 921 SOUTH 67TH STREET
(ASSESSOR'S MAP 18-02-03-14, TAX LOT 1500)**

**] 811-24-000063-TYP3
]
]**

NATURE OF THE PROPOSAL

Proposed Discretionary Use Permit:

- Allow for use of an existing 4-bedroom, single-unit dwelling as a Type 2 short-term rental for compensation where the dwelling is not used as a primary residence. The subject property is generally depicted and more particularly described in **Exhibit A** to this Order.

Timely and sufficient notice of the public hearing has been provided, pursuant to SDC 5.1.425-440.

On May 7, 2024, the Springfield Planning Commission held a public hearing and conducted deliberations on the proposed Discretionary Use Permit. The staff report, written comments, and testimony of those who spoke at the public hearing meeting were entered into the record.

CONCLUSION

On the basis of this record and subject to two conditions of approval, the proposed Discretionary Use Permit is consistent with the criteria of SDC 5.9.120 and the Special Use provisions of SDC 4.7.355. This general finding is supported by the specific findings of fact and conclusions and recommended conditions of approval as stated in the staff report and findings attached hereto as **Exhibit B** to this Order.

ORDER/RECOMMENDATION

It is ORDERED by the Springfield Planning Commission that Case Number 811-24-000063-TYP3, Discretionary Use Permit, be approved. This ORDER was presented to and approved by the Planning Commission on May 7, 2024.

Planning Commission Chairperson

Date

ATTEST

AYES:

NOES:

ABSENT:

ABSTAIN:

EXHIBIT A



LEGAL DESCRIPTION

Lot 6, SOUTH HILLS NORTH, as platted and recorded in File 73, Slides 119 and 120, Lane County Oregon Plat Records, in Lane County, Oregon.

**Staff Report and Findings
Springfield Planning Commission
Discretionary Use Request (Adrian Sherrod)**

Hearing Opened Date: May 7, 2024

Report Date: April 29, 2024

Case Number: 811-24-000063-TYP3

Applicant / Property Owner: Adrian Sherrod

Site: 921 South 67th Street (Map 18-02-03-14, Tax Lot 1500)

Request

The application was submitted on February 23, 2024 and the public hearing on the matter of the Discretionary Use request is scheduled for May 7, 2024. The City conducted a Development Review Committee meeting on the Discretionary Use request on March 26, 2024.

Site Information/Background

The property that is the subject of the Discretionary Use request is located in a small cul-de-sac on the east side of South 67th Street just north of the intersection with Ivy Street. The property is addressed as 921 South 67th Street and it contains a 4-bedroom, single-unit dwelling with attached double garage. The site is designated Low Density Residential and zoned R-1 Residential use. The applicant is requesting a Discretionary Use permit to allow use of the property as a short-term rental for compensation (e.g. Air BnB, VRBO, etc.) for periods of less than 30 consecutive days. The dwelling would not be used as a primary residence and therefore falls into the Type 2 short-term rental category under Springfield Development Code (SDC) 4.7.355(B). In accordance with SDC 3.2.210, Type 2 short-term rentals that are not used as a primary residence are listed as a Discretionary Use in the R-1 District requiring Planning Commission approval.

Notification and Written Comments

Procedural Finding: The subject application was submitted and considered complete on February 23, 2024. The public hearing on this matter is scheduled for May 7, 2024. Therefore, this application is being considered by the Approving Authority on the 74th day of the 120 days mandated by Oregon Revised Statutes (ORS) 227.178.

Notification of the May 7, 2024 public hearing was sent to all property owners and residents within 300 feet of the site on April 16, 2024. Notification was also published in the legal notices section of *The Chronicle* on April 18, 2024. Public hearing notices were posted in the following public locations: along the cul-de-sac frontage of the subject property; behind the public sidewalk at the southeast corner of the intersection of the cul-de-sac with South 67th Street; in the public notices bulletin board in the lobby of City Hall; on the City's webpage; and on the digital display in the Development & Public Works office. No telephone calls or written comments were received up to the time of publication of the staff report on April 29, 2024.

Criteria of Approval

The subject application was submitted on February 23, 2024 which is prior to Ordinance 6463 becoming effective on March 1, 2024. The criteria of approval for this decision are based on the date of application submittal (February 23, 2024).

SDC 5.9.120 contains the criteria of approval for the decision maker to utilize during review of Discretionary Use requests; those criteria are:

SDC 5.9.120 CRITERIA

(A) *The proposed use conforms with applicable:*

- (1) *Provisions of the Metro Plan;*
- (2) *Refinement plans;*
- (3) *Plan District standards;*
- (4) *Conceptual Development Plans or*
- (5) *Specific Development Standards in this Code (i.e. Short-term rentals, SDC 4.7.355);*

(B) *The site under consideration is suitable for the proposed use, considering:*

- (1) *The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);*
- (2) *Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;*
- (3) *The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and*
- (4) *Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.*

(C) *Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:*

- (1) *Application of other Code standards (including, but not limited to: buffering from less intensive uses and increased setbacks);*
- (2) *Site Plan Review approval conditions, where applicable;*
- (3) *Other approval conditions that may be required by the Approval Authority; and/or*

- (4) *A proposal by the applicant that meets or exceeds the cited Code standards and/or approval conditions.*

Proposed Findings In Support of Discretionary Use Approval

Criterion: Discretionary Use criteria of approval:

A. The proposed use conforms with applicable;

1. Provisions of the *Metro Plan*;

Finding: The property is currently zoned R-1 Residential in accordance with the Springfield Zoning Map and is designated Low Density Residential (LDR) in the adopted *Metro Plan* diagram. The applicant is not proposing to change the current zoning or comprehensive plan designation for the subject site.

Finding: The adopted *Residential Land and Housing Element* of the *Springfield Comprehensive Plan* is intended to update and supplement (not replace) the residential policies of the *Metro Plan*.

Finding: The City adopted the *Springfield Comprehensive Plan – Economic Element* in 2016 and these policies replace and supersede the Commercial Element of the *Metro Plan*.

Finding: The existing dwelling is proposed to be used for residential purposes, albeit for short-term stays. This differs from typical residential rental properties in that the dwelling essentially provides nightly accommodations for periods of 30 days or less as transient accommodations, as opposed to being used as a primary residence.

Finding: There are no specific policies of the adopted *Metro Plan* or the City's Comprehensive Plan that preclude the use of residential properties as transient rentals. The provision and availability of rental units as housing stock is an important consideration in the *Metro Plan* and the Springfield Comprehensive Plan's *Residential Land and Housing Element*. These documents contemplate residential units that are offered for rent or lease on a monthly or annual basis, not as short-term rentals. The rise in popularity of short-term rental accommodations offered on websites such as AirBnB and Vacation Rental By Owner (VRBO) is a relatively new phenomenon in cities throughout North America and Springfield is no different. In response, the City has recently adopted new Development Code regulations to monitor the number and distribution of these short-term rentals within the community.

Finding: The *Springfield Comprehensive Plan – Economic Element* discusses the provision of accommodations as a benefit to increasing local tourism and as a revenue generator for the City through the transient room tax. However, there are no specific policies that evaluate the use of residential properties as transient accommodations.

Conclusion: The request meets this criterion.

2. Refinement plans;

Finding: The subject site is not within an adopted neighborhood refinement plan area.

Conclusion: This criterion is not applicable to this request.

3. Plan District standards;

Finding: The subject site is not within an adopted Plan District.

Conclusion: This criterion is not applicable to this request.

4. Conceptual Development Plans or

Finding: There are no Conceptual Development Plans currently applicable to the subject site.

Conclusion: This criterion is not applicable to this request.

5. Specific Development Standards in this Code;

Finding: Oregon Revised Statutes (ORS) 197A.270(4)(a)(F) states that cities must consider factors that influence available housing supply, including short-term rentals, second homes and vacation homes. To this end, the City has adopted provisions in the Development Code to categorize short-term rentals as either Type 1 or Type 2 based on the use of the dwelling as a primary residence or exclusively as a short-term rental. Further, SDC 3.2.210 requires that short-term rentals must meet the Special Development Standards of SDC 4.7.355.

Approval Standard: SDC 4.7.355(A)(4) requires that for a short-term rental to be classified as a Type 1 it must be occupied as a primary residence.

Finding: The applicant is not proposing to use the dwelling as a primary residence; it is to be exclusively used as a whole-house short-term rental. Therefore, the short-term rental is classified as a Type 2. The applicant has submitted the subject Discretionary Use permit in support of the Type 2 short-term rental classification.

Approval Standard: SDC 4.7.355(B)(1) states that if food service is provided it can only be made available to overnight guests.

Finding: The applicant has not stated an intention to serve food to overnight guests. Therefore, SDC 4.7.355(B)(1) is not applicable to this proposal.

Approval Standard: SDC 4.7.355(B)(2) states there must be at least 400 feet of separation along the same street between Type 2 short-term rentals.

Finding: Currently, there are no other permitted Type 2 short-term rentals in the vicinity of the subject property. Therefore, the proposal meets the requirements of SDC 4.7.355(B)(2).

Conclusion: The proposal meets this criterion.

B. The site under consideration is suitable for the proposed use, considering:

- 1. The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);**

Finding: According to Lane County records the property requested for Discretionary Use approval is an existing four-bedroom, single-detached dwelling on an approximately 7,405 ft² lot. It is not appreciably different in appearance or configuration from other single-detached dwellings in the adjacent neighborhood. The applicant is not proposing to make any physical changes to the property or dwelling that would make it noticeably different from neighboring homes. Because there are a total of four bedrooms in the house a recommended condition of approval limiting the maximum number of guest rooms within the dwelling to four is made a part of this staff report.

Finding: Normal occupancy of a residential dwelling – either as a primary residence or short-term rental – is not expected to have an appreciable change to the operational characteristics of the home. The existing dwelling has a total of at least four available off-street parking spaces: two in the attached double garage and two on the driveway. More than four vehicles parked at the subject property would cause congestion within the cul-de-sac because there is limited availability of on-street parking to serve all of the dwellings fronting the street. Additionally, the street has 28 feet of pavement width at the throat of the cul-de-sac which normally limits parking to one side of the street only. For this reason, a condition of approval limiting the number of vehicles at the property to not more than four (4) is made a part of this staff report.

Finding: According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, single-unit dwellings generate about 9.5 vehicle trips per day. However, unlike apartment complexes and other buildings where there are 100% renter populations, the ITE Manual does not distinguish between owned versus rented properties in analyzing trip calculations for single-unit dwellings. Instead, the trips are evaluated based on the type of housing units (for example, compact “patio homes” versus traditional single-unit homes in large subdivisions). For these reasons, it is not clear whether the use of the property as a short-term rental will have a measurable effect on traffic to and from the site.

Finding: Occupancy of the house by short-term renters should not create undue noise, vibrations, emissions, odors, light, glare or dust. Maintaining the use of the dwelling for residential purposes does not appreciably change safety, visibility or the aesthetics of the site and neighboring properties.

Finding: Activities that disturb the public peace are regulated by Chapter 5 of the City’s Municipal Code. No different than any other residential property, the subject site and its occupants would be expected to abide by the provisions of the City’s Municipal Code. In the event of a complaint or an enforcement action, the property owner would be responsible for abating the nuisance in accordance with Chapter 5 of the Springfield Municipal Code.

Conclusion: Subject to two recommended conditions of approval found at the end of this report, the proposal meets this criterion.

2. Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;

Finding: The site has frontage on a small cul-de-sac that adjoins South 67th Street to the west. A curbside sidewalk rings the cul-de-sac and connects to the main north-south leg of South 67th Street. The pavement is 28 feet wide at the throat of the cul-de-sac where it connects to the main north-south segment of South 67th Street. This width of pavement is adequate to accommodate parking on one side of the street only while maintaining two-way traffic flow within the cul-de-sac and allowing for emergency vehicle access. Should vehicles be double-parked on the street or on both sides of the street simultaneously it would restrict traffic flow into and out of the cul-de-sac. A condition of approval to limit the number of vehicles at the site to not more than four (4) would mitigate against parking concerns on the public street.

Finding: South 67th Street is classified as a neighborhood collector street and has curbside sidewalk, curb, gutter and paving along its entire eastern side. Vehicular, bicycle and pedestrian access is derived directly from the collector street and the subject property is also addressed off South 67th Street. There is discontinuous sidewalk and full width of paving on the west side of South 67th Street where it approaches Dogwood Street to the north. However, on the east side, sidewalk connects all the way north to Main Street where Lane Transit District (LTD) operates bus route #11 (Thurston).

Finding: The subject site is less than one mile from Fire Station #1 at 6853 Main Street, which provides for rapid emergency response via Main and South 67th Street and/or South 68th Place.

Conclusion: The proposal meets this criterion.

3. The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and

Finding: There are no regulated wetlands or riparian areas within the subject property.

Finding: There are no natural drainage features or wooded areas (aside from existing ornamental landscaping) within the subject property.

Finding: The subject site and adjacent neighborhood was platted in 1978 and subsequently developed with residential dwellings. The subject site and properties in the vicinity are considered part of a mature residential neighborhood.

Conclusion: The proposal meets this criterion.

4. Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.

Finding: The site is served with key urban services and utilities including water, sanitary sewer, piped stormwater facilities, electricity and telecommunications. The subject property has frontage on a public street that connects directly to South 67th Street and Main Street. The applicant is not proposing to modify the services already provided to the dwelling.

Conclusion: The proposal meets this criterion.

C. Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:

1. Application of other Code standards (including, but not limited to: buffering from less intensive uses and increased setbacks);

Finding: The proposed use of the residential dwelling as a short-term rental is generally compatible with use of adjacent residential dwellings as primary residences (either rented or owner occupied). For this reason, the proposal does not warrant the provision of additional buffering or screening features from adjacent residential properties.

Finding: The applicant is proposing to retain an existing screening fence along the side and rear yards of the subject property. The fence will maintain separation spacing and privacy for the subject site and adjoining properties.

Finding: As stated previously, it is not expected that the proposed use of the dwelling as a short-term rental will generate unusual noise, odors or emissions. The occasional activity and noise associated with occupants arriving and leaving should not be appreciably different than comparable household activities on adjacent properties.

Finding: The existing dwelling and associated property improvements meet the applicable setbacks from perimeter property lines and no new construction is proposed with this permit.

Finding: The applicant is proposing to use the existing, residential light fixtures for property illumination. The lighting should not be unlike similar light fixtures used elsewhere in the adjacent residential neighborhood. No light towers or pole-mounted lights are proposed on the site. Therefore, it is not expected there will be any adverse effects from lighting on the subject site.

Conclusion: The proposal meets this criterion.

2. Site Plan Review approval conditions, where applicable;

Finding: Single-detached residential dwellings are not subject to Type 2 Site Plan Review approval. Therefore, this criterion is not applicable to the proposal.

Conclusion: This criterion is not applicable to the proposal.

3. Other approval conditions that may be required by the Approval Authority; and/or

Finding: Staff is recommending two conditions of Discretionary Use approval for this proposal. The Planning Commission has the discretion and authority to implement these or other conditions of approval as may be required to meet the Discretionary Use Permit criteria of approval or in response to public testimony.

Recommended Condition of Approval 1: The maximum number of guest rooms that can be made available for short-term rental at the subject property is four (4).

Recommended Condition of Approval 2: The maximum number of vehicles that can be parked at the subject property for the duration of any short-term rental is four (4).

Conclusion: As conditioned herein, the proposal meets this criterion.

4. A proposal by the applicant that meets or exceeds the cited Code standards and/or approval conditions.

Finding: The applicant is requesting approval for use of the property as a short-term rental where the dwelling is not a primary residence. In accordance with the provisions of the City's Development Code (SDC 3.2.210 and 4.7.355) the proposed use requires a Discretionary Use Permit but no other accompanying land use actions. The applicant is not proposing an alternative means of meeting or exceeding the cited Code standards. Therefore, this criterion is not applicable to the proposal.

Conclusion: This criterion is not applicable to the proposal.

Conclusion: Based on the above-listed criteria, the proposal meets the stated criteria for Discretionary Use approval.

Conditions of Approval

SDC 5.9.125 allows for the Approval Authority to attach conditions of approval to a Discretionary Use request to ensure the application fully meets the criteria of approval. The specific language from the code section is cited below:

5.9.125 CONDITIONS

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Discretionary Use approval to be granted. Staff is recommending two conditions of approval for the Discretionary Use criteria to be met.

Condition of Approval 1: The maximum number of guest rooms that can be made available for short-term rental at the subject property is four (4).

Condition of Approval 2: The maximum number of vehicles that can be parked at the subject property for the duration of any short-term rental is four (4).

AGENDA ITEM SUMMARY

Meeting Date: 5/7/2024
Meeting Type: Regular Meeting
Staff Contact/Dept.: Tom Sievers, DPW
Staff Phone No: 541-726-2333
Estimated Time: 20 Minutes
Council Goals: Encourage Economic Development and Revitalization through Community Partnerships

**SPRINGFIELD
PLANNING COMMISSION**

ITEM TITLE:	REQUEST FOR MAJOR VARIANCE TO SDC 4.7.177(B)(2) FOR 0.24 ACRE COMMUNITY COMMERCIAL PROPERTY AT 1853 2 nd STREET FOR PROPOSED MARIJUANA RETAILER WITHIN 1000-FEET OF A SCHOOL, CASE 811-24-000037-TYP3
ACTION REQUESTED:	Conduct a public hearing and adopt a final order to grant a variance, grant a variance with conditions, or not grant the variance to SDC 4.7.177(B)(2) to allow a marijuana retailer use within 1000-feet of a school.
ISSUE STATEMENT:	The applicant plans to establish a marijuana retailer at 1853 2 nd Street, but the location is 940-feet from Hamlin Middle School, which is within the 1000-foot straight-line-distance as required in the Springfield Development Code (SDC) 4.7.177(B)(2). The major variance request aims to consider geographic and physical barriers between the proposed marijuana retailer and Hamlin Middle School, as well as state law that supports the use within 1000-feet of a school.
ATTACHMENTS:	1. Application and Narrative – Major Variance 2. Location Maps 3. Planning Commission Final Order – Major Variance 811-24-000037-TYP3 Exhibit A – Staff Report and Findings for Major Variance

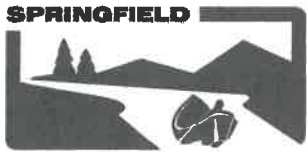
DISCUSSION: The subject property is a rectangular parcel owned by Patrick Ewing located approximately 180-feet north of the 2nd Street & Q Street intersection. The site comprises approximately 0.24 acres and is currently developed with a commercial business. The property is zoned and designated Community Commercial (CC). It is addressed as 1853 2nd Street (Map 17-03-26-24, Tax Lot 01300).

The applicant is working with the owner of the property to establish a marijuana retailer. However, the site is within 1000-feet (approximately 940-feet) of Hamlin Middle School in a straight-line distance. SDC 4.7.177(B)(2) prohibits marijuana retail outlets within 1,000-feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors. The major variance seeks to consider physical and geographic barriers to allow a deviation of 60-feet (6%) from the standard. ORS 475C.101 provides that a marijuana retailer may be located within 1000-feet of a school given that the marijuana retailer is not located within 500-feet of a building utilized by the school district for public prekindergarten and kindergarten programs, a public elementary or secondary school for which attendance is compulsory, or a private or parochial elementary or secondary school; and the Oregon Liquor and Cannabis Commission determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the marijuana retailer; or the marijuana retailer was established before August 1, 2017, in accordance with a city or county ordinance adopted under section 29b, chapter 83, Oregon Laws 2016.

There are two factors that present unusual conditions at this site as it pertains to straight-line separation of uses: physical and geographic barriers. Physically, Highway 126, the ramps that serve the highway, interceding businesses, and Q Street impede pedestrian access between the two sites. The school itself is also entirely fenced with designated points of ingress and egress at L Street, Moffitt Lane, and Centennial Boulevard. Geographically, barriers such as the Q Street ditch and the physical rise of the land that creates the Highway 126 right-of-way also impedes straight-line access between the two sites.

The Planning Commission is requested to conduct a public hearing on the proposal to consider the major variance request at the regular meeting on May 7, 2024. After accepting all testimony, staff recommends that the Planning Commission reviews, deliberates, and issues a decision based on the totality of the information.

City of Springfield
Development & Public Works
225 Fifth Street
Springfield, OR 97477



Major Variance

Required Project Information		(Applicant: complete this section)	
Applicant Name: Rainey Byrd		Phone: 541-222-9056	
Company: Toking Farms LLC		Fax:	
Address: PO Box 845, Creswell, OR 97426			
Applicant's Rep.:		Phone:	
Company:		Fax:	
Address:			
Property Owner: Patrick Ewing		Phone: 541-515-2627	
Company:		Fax:	
Address: 474 Brookedale Avenue, Springfield, OR 97477			
ASSESSOR'S MAP NO: 17032624		TAX LOT NO(S): 01300	
Property Address: 1853 2nd Street, Springfield, OR 97477			
Size of Property: 24 Acres <input checked="" type="checkbox"/> Square Feet <input type="checkbox"/>			
Description of <small>If you are filling in this form by hand, please attach your proposal description to this application.</small>			
Proposal: Request for Major Variance for Marijuana Dispensary at 1853 2nd Street, Springfield, OR 97477			
Existing Use: 201 Commercial Improved-Retail			
Signatures: Please sign and print your name and date in the appropriate box on the next page.			
Required Project Information		(City Intake Staff: complete this section)	
Associated Applications:		Signs: Yes - at Counter	
Case No.: 211-24-000037-TYP	Date: 2/6/24	Reviewed by: L. Miller	
Application Fee: \$ 8256.00	Technical Fee: \$ 412.80	Postage Fee: \$ 489.00	
TOTAL FEES: \$ 9157.80		PROJECT NUMBER:	

Signatures

The undersigned acknowledges that the information in this application is correct and accurate.

Applicant:

Signature

Date: 2/1/24

Print

If the applicant is not the owner, the owner hereby grants permission for the applicant to act in his/her behalf.

Owner:**Signature**

Date: 2/2/21

Print

Re: Variance Request for Marijuana Retail Outlet at 1853 2nd Street – Explanation for Omitted Documents

Toking Farms
PO Box 845
Creswell, OR 97426

February 1, 2024

Attention: Planning Division
City of Springfield Development and Public Works
225 Fifth Street
Springfield, Oregon 97477

Dear Planning Division,

I hope this letter finds you well. I am writing to address the request for certain documents in connection with my variance application for the establishment of a Marijuana Retail Outlet at 1853 2nd Street, Springfield, Oregon.

Specifically, I note the requirements for submitting a copy of the deed and a copy of the preliminary title report. After careful consideration, I have determined that these documents are not applicable to the variance request and, as such, I will not be submitting them with my application.

Explanation for Omission:

- **Deed Copy:** The variance application focuses on unique circumstances related to the specific property in question, namely, the physical barrier presented by Highway 126 and its impact on the proposed location's proximity to Hamlin Middle School. The ownership details provided in the deed are not pertinent to the variance request, and, therefore, I have chosen not to include it to streamline the application process.
- **Preliminary Title Report:** Similarly, the preliminary title report provides comprehensive details regarding the property's ownership history, liens, and encumbrances. While this information is valuable in various contexts, it does not directly contribute to the assessment of the variance request, which primarily centers on the physical and geographic conditions surrounding the property.

I understand the importance of providing a thorough application, and I assure you that all relevant and necessary information pertaining to the variance request has been included in my submission. In the interest of efficiency and to avoid unnecessary paperwork, I have opted to forego the submission of the deed and preliminary title report.

I appreciate your understanding of my decision and am available to provide any further clarification or information if needed.

Sincerely,

Rainey Byrd

Toking Farms
wardsweed@outlook.com
541-222-9056

Bargain and Sale Deed

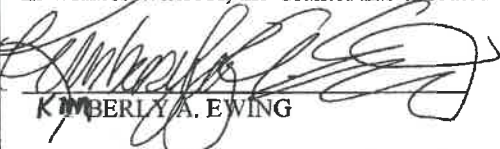
KNOW ALL MEN BY THESE PRESENTS, That KIMBERLY A. EWING, hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey to PATRICK A. EWING, hereinafter, called Grantee, and unto Grantees' heirs, successors and assigns, all of that certain real property situated in the County of Lane, State of OREGON, described as follows, to wit:
Property also known as : 1853 2nd Street, Springfield, OR 97477
17-03-26-24-01300 / 0218733

COMMENCING AT A POINT IN THE EAST LINE OF SECOND STREET, WHICH IS 180 FEET NORTH OF MONUMENT NO. 1, LOCATED AT THE INTERSECTION OF THE EAST LINE OF SECOND STREET AND THE NORTH LINE OF MOHAWK COUNTY ROAD WHICH SAID MONUMENT IS 1554. 82 FEET WEST AND 30 FEET NORTH OF THE SOUTHEAST CORNER OF JACOB HALSTEAD AND WIFE DONATION LAND CLAIM NO. 47 IN SECTION 26, TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON; THENCE RUNNING NORTH ON SAID EAST LINE OF SECOND STREET, 66.25 FEET; THENCE EAST 160.0 FEET; THENCE SOUTH 66.25 FEET; THENCE WEST 160.0 FEET TO THE PLACE OF BEGINNING, IN LANE COUNTY, OREGON.

To have and to hold the same unto the said Grantee and Grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars is: \$ none - to change vesting


THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

In Witness Whereof, the Grantor has executed this instrument this 13 DAY OF May, 2013


KIMBERLY A. EWING

STATE OF OREGON, (County of LANE)ss.

This instrument was acknowledged before me on May 13, 2013 by
KIMBERLY A. EWING


Notary Public for Oregon
My commission Expires: 7/1/13

Grantor's Name and Address:

KIMBERLY A. EWING
846 E Street Apt 2
Springfield OR 97477



Grantee's Name and Address:

PATRICK A. EWING
474 Brookdale Avenue
Springfield, OR 97477

Lane County Clerk
Lane County Deeds & Records
2013-026580
05/17/2013 11:45:22 AM
RPR-DEED Cnt=1 Stn=1 CASHIER 02 1pages
\$5.00 \$11.00 \$10.00 \$16.00 \$42.00

Send Tax Statements to:
Same as Grantee Above

RETURN TO:
EVERGREEN LAND TITLE CO.
1651 CENTENNIAL BLVD
SPRINGFIELD, OR 97477

Toking Farms
PO Box 845
Creswell, OR 97426

February 1, 2024

Attention: Planning Division
City of Springfield Development and Public Works
225 Fifth Street
Springfield, Oregon 97477

Dear Members of the Planning Commission,

I am formally submitting a request for a Major Variance under Section 5.21-130 of the Springfield Municipal Code to establish a Marijuana Retail Outlet at 1853 2nd Street, Springfield, Oregon. This variance seeks to address unique circumstances arising from specific property conditions.

The city code specifies that Marijuana Retail Outlets shall not be located within 1,000 feet of a public or private elementary or secondary school. In my case, the proposed location is located approximately 940 feet from Hamlin Middle School (326 Centennial Boulevard, Springfield, Oregon), which falls within the prohibited distance (see Map A). However, I emphasize the presence of a significant and impassable physical barrier, namely Highway 126 (specifically situated between physical markers, Pioneer Parkway to the west and 5th Street to the east). Highway 126 establishes a distinct, elevated separation between 1853 2nd Street, Springfield, Oregon and Hamlin Middle School.

Furthermore, I would like to highlight the relevant state law ORS 475B.110 (2)(d), as outlined in Section 20 of Oregon Law 2017, chapter 613, as seen below.

Notwithstanding ORS 475B.110 (2)(d), a marijuana retailer may be located within 1,000 feet of a school if:

- (1) The marijuana retailer is not located within 500 feet of:
 - (a) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - (b) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a); and
- (2) The Oregon Liquor Control Commission determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the marijuana retailer.

Map A has been included to provide a comprehensive, visual representation of the 1,000-foot and 500-foot barriers surrounding 1853 2nd Street, Springfield, Oregon. It is pertinent to note that my request takes into account the state law exception pertaining to the 500-foot radius, as outlined in Section 20 of Oregon Law 2017, chapter 613. Map A serves to unequivocally show that Hamlin Middle School is well beyond the 500-foot radius from 1853 2nd Street, Springfield, Oregon.

The elevated nature of Highway 126 serves as a boundary that cannot be crossed via a straight-line measurement. The shortest path (walking or driving) between the two properties is 2,332.4 feet, significantly exceeding the 1,000-foot requirement specified in the city code. This substantial distance, coupled with the elevated nature of Highway 126, effectively prevents a direct line of sight or easy access between 1853 2nd Street, Springfield, Oregon and Hamlin Middle School.

The following photographs collectively aim to visually reinforce the unique circumstances and physical barriers that support the Major Variance request for the establishment of a Marijuana Retail Outlet at 1853 2nd Street, Springfield, Oregon.

For the supporting photographs see pocket 1 of the submitted request folder. Narrative for each photograph is as follows;

- A. View from Northeast Corner, Moffitt Lane Entrance:
This photograph captures the perspective from the northeast corner of Hamlin Middle School, specifically the Moffitt Lane entrance. It provides a visual depiction looking west along the fence of the north side of the property.
- B. Entrance at the Moffitt Lane Gate - Hamlin Middle School and Highway 126:
This image, taken from the entrance at the Moffitt Lane gate of Hamlin Middle School, offers a comprehensive view looking west. It encompasses both the school premises and Highway 126, showcasing the physical separation between 1853 2nd Street, Springfield, Oregon and Hamlin Middle School.
- C. Canal Property (Lot # 02102) between Hamlin Middle School and Highway 126:
Photographed from 5th Street looking west, this picture illustrates the canal that runs parallel (east/west) between Hamlin Middle School and Highway 126. The canal acts as an additional physical barrier, contributing to the separation between Hamlin Middle School and 1853 2nd Street, Springfield, Oregon.
- D. Center of Hamlin Middle School - North View of Highway 126:
Captured from the center of Hamlin Middle School property, between the sports field and school buildings, this photo provides a clear northward view of Highway 126. It highlights the significant elevation difference and the barrier it poses.

- E. Center of Hamlin Middle School - Magnified View of Highway 126 Height:
An additional image from the center of Hamlin Middle School property, this photograph is magnified to emphasize the height of Highway 126. It specifically showcases a billboard located near the west bound off ramp for the City Center exit.
- F. View from 1853 2nd Street, Springfield, Oregon - Billboard Perspective:
This photograph, taken from 1853 2nd Street, Springfield, Oregon presents the perspective from the property side of Highway 126. It provides a view of the same billboard from picture E, illustrating the barrier created by the highway and supporting the contention that the proposed Marijuana Retail Outlet location is physically separated from Hamlin Middle School.

Section 5.21-130 of the Springfield Municipal Code outlines the criteria for approving a Major Variance, and I believe my proposal meets each criterion:

- A. Unusual Condition: An unusual condition exists due to the presence of Highway 126, a significant physical barrier that creates separation between the 1853 2nd Street, Springfield, Oregon and Hamlin Middle School.

1. Existence of Physical Barriers:

- As previously stated, the proposed Marijuana Retail Outlet is separated from Hamlin Middle School by Highway 126, which acts as an impassable boundary. Additionally, I would like to highlight the presence of a canal that runs parallel between Highway 126 and the north side of Hamlin Middle School. The property (Lot # 02102) this canal is located on is owned by the city and serves as an additional and insurmountable physical barrier, further emphasizing the clear separation between 1853 2nd Street, Springfield, Oregon and Hamlin Middle School.
- The presence of impassable barriers necessitates a circuitous route as the shortest path from Hamlin Middle School to 1853 2nd Street, Springfield, Oregon. Departing from Hamlin Middle School, this route involves heading east on Moffitt Lane, north on 5th Street, west on Q Street, and north on 2nd Street. The intricacy of this route further accentuates the impracticality of direct access to the proposed Marijuana Retail Outlet from the school's designated access points.

2. Fenced School Borders:

- Hamlin Middle School's borders are entirely fenced, with designated points of ingress and egress at L Street, Moffitt Lane, and Centennial Boulevard. These designated access points are the only legal means of entry to the school premises.

3. Measured Distances from Designated Access Points:

- Distances have been measured from the two nearest points of ingress and egress (Moffitt Lane and Centennial Boulevard) at Hamlin Middle School to 1853 2nd Street, Springfield, Oregon. These distances have been accurately represented on Map B. Moffitt Lane route 2,332.4 feet. Centennial Boulevard route 3,634.1 feet.

B. Consistency with Development Standards: The variance does not conflict with the development standards of the city code, and the physical barrier is a unique circumstance not anticipated by the code.

C. No Significant Adverse Effects: The variance will have no significant adverse effects on neighboring properties.

D. No Previous Code Violations: The unusual condition does not arise from a previous code violation.

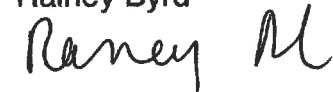
E. Minimum Necessary Relief: Granting the variance is the minimum necessary to alleviate the unusual condition and allows for the establishment of a Marijuana Retail Outlet without compromising the intent of the code.

I kindly request that the Planning Commission carefully considers the unique circumstances presented in my proposal and grants the Major Variance to allow the placement of a Marijuana Retail Outlet at 1853 2nd Street, Springfield, Oregon.

Thank you for your time and consideration. I look forward to the opportunity to contribute to the community in a manner consistent with both state and local regulations.

Sincerely,

Rainey Byrd



Toking Farms
wardsweed@outlook.com
541-222-9056

Toking Farms
PO Box 845
Creswell, OR 97426
541-222-9056
Wardsweed@outlook.com
February 1, 2024

Attention: Planning Division
City of Springfield Development and Public Works
225 Fifth Street
Springfield, Oregon 97477

Content

1. Major Variance Application Form
2. Explanation for Omitted Documents from Application Form
3. Narrative Document

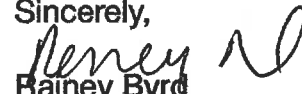
Pocket 1. Supporting Photographs

Pocket 2. Maps:

- I. Map A 1000' and 500' Boundary represents the 1,000-foot and 500-foot boundaries around 1853 2nd Street.
- II. Map B Distance to School/Parks represents the two closest routes from Hamlin Middle School to 1853 2nd Street.
- III. Map C Plot Map (4 copies) indicates the location and setbacks from surrounding properties.

Thank you for your attention to this matter. I look forward to the Planning Commission's consideration.

Sincerely,


Rainey Byrd
Owner

E



F



C



D

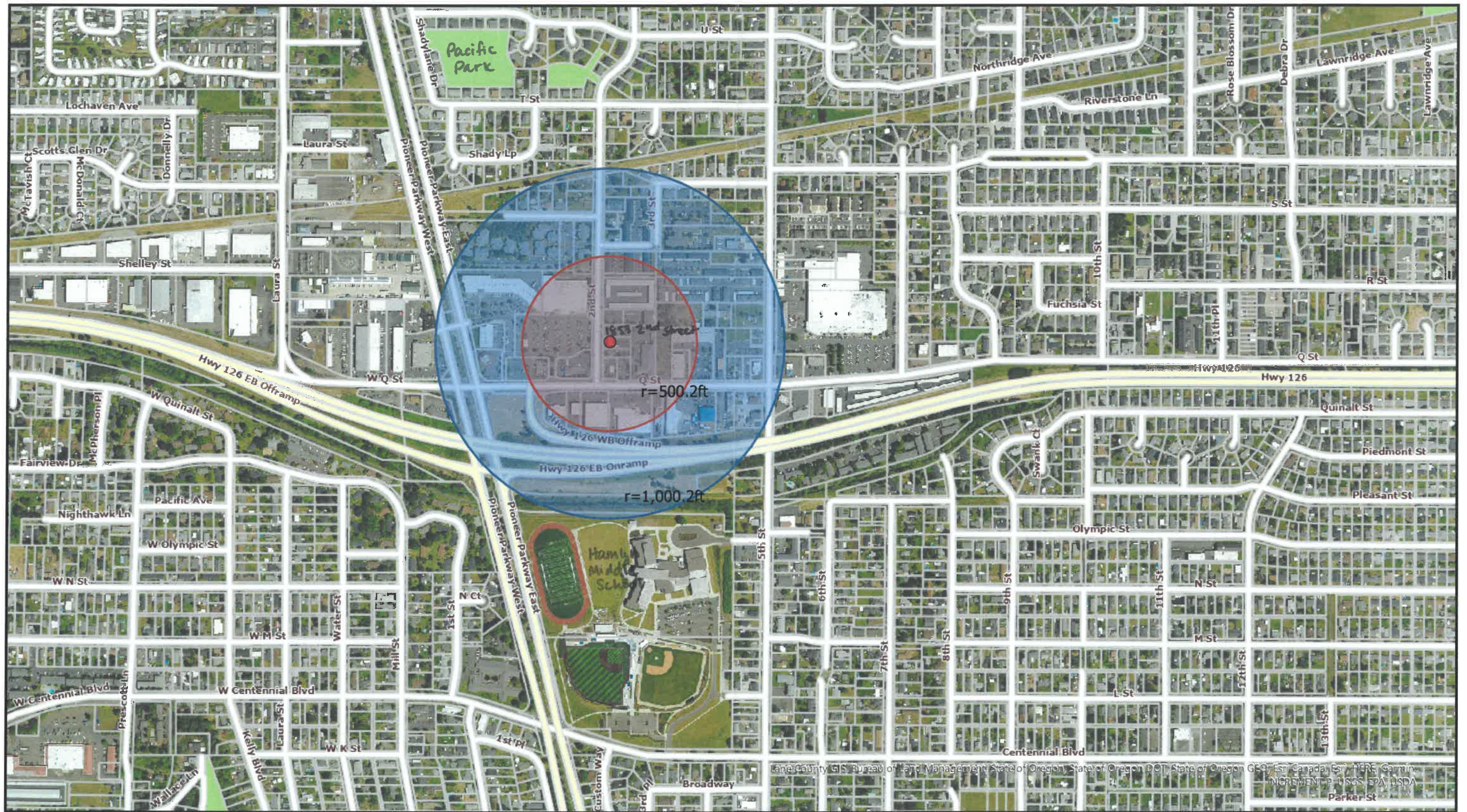


A



B

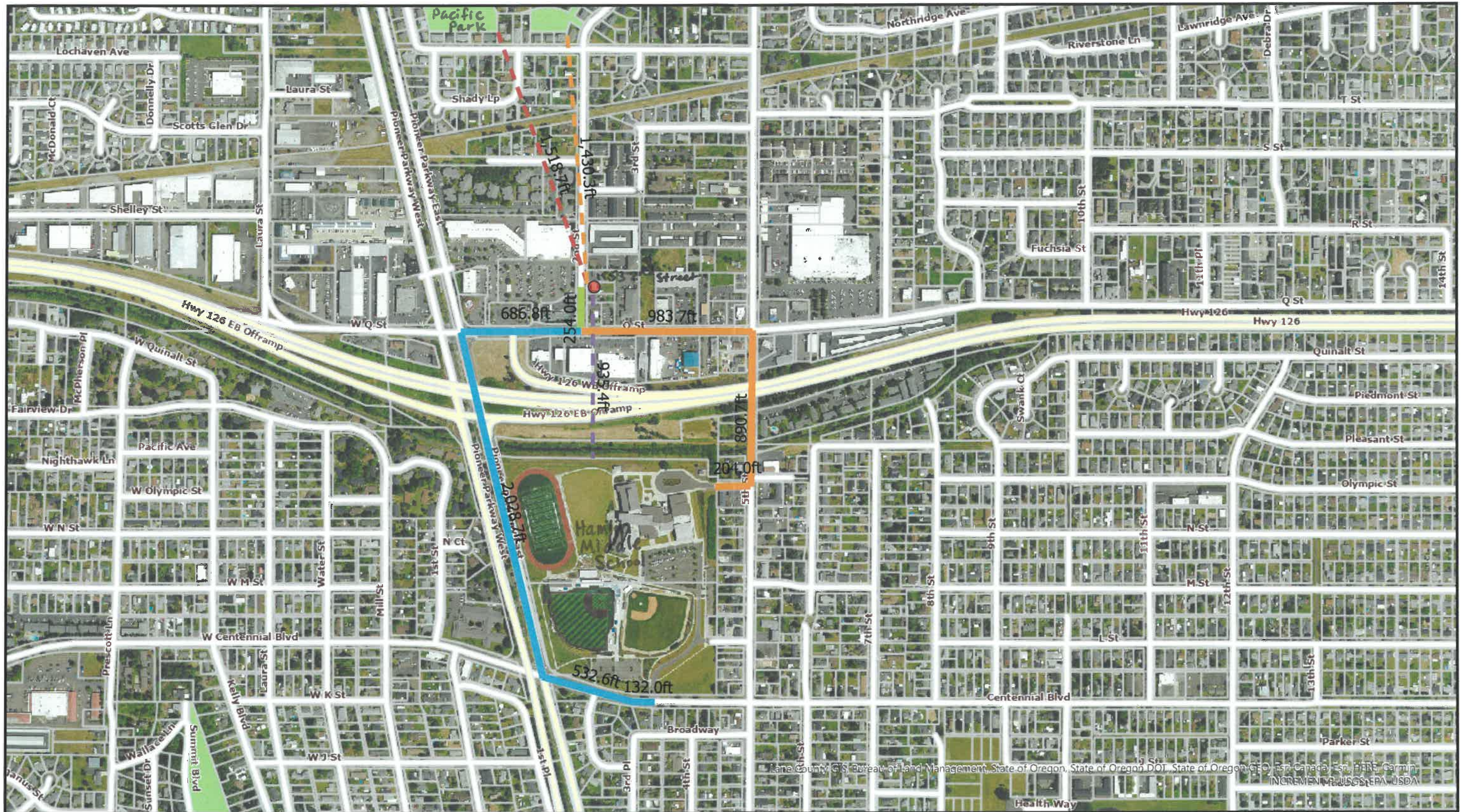




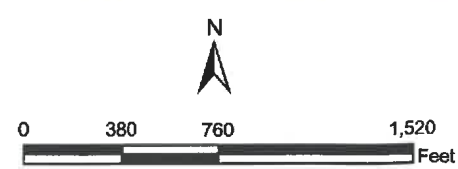
The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



1,000' and 500' Boundary
Map A 2/1/2024



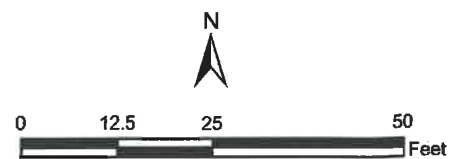
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Distance to School/Parks
Map B 2/1/2024



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Plot Map
Map C 2/1/2024



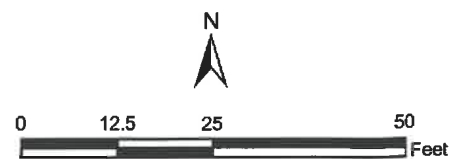
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Plot Map
Map C 2/1/2024



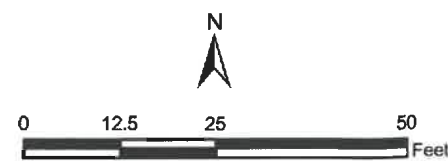
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Plot Map
Map C 2/1/2024

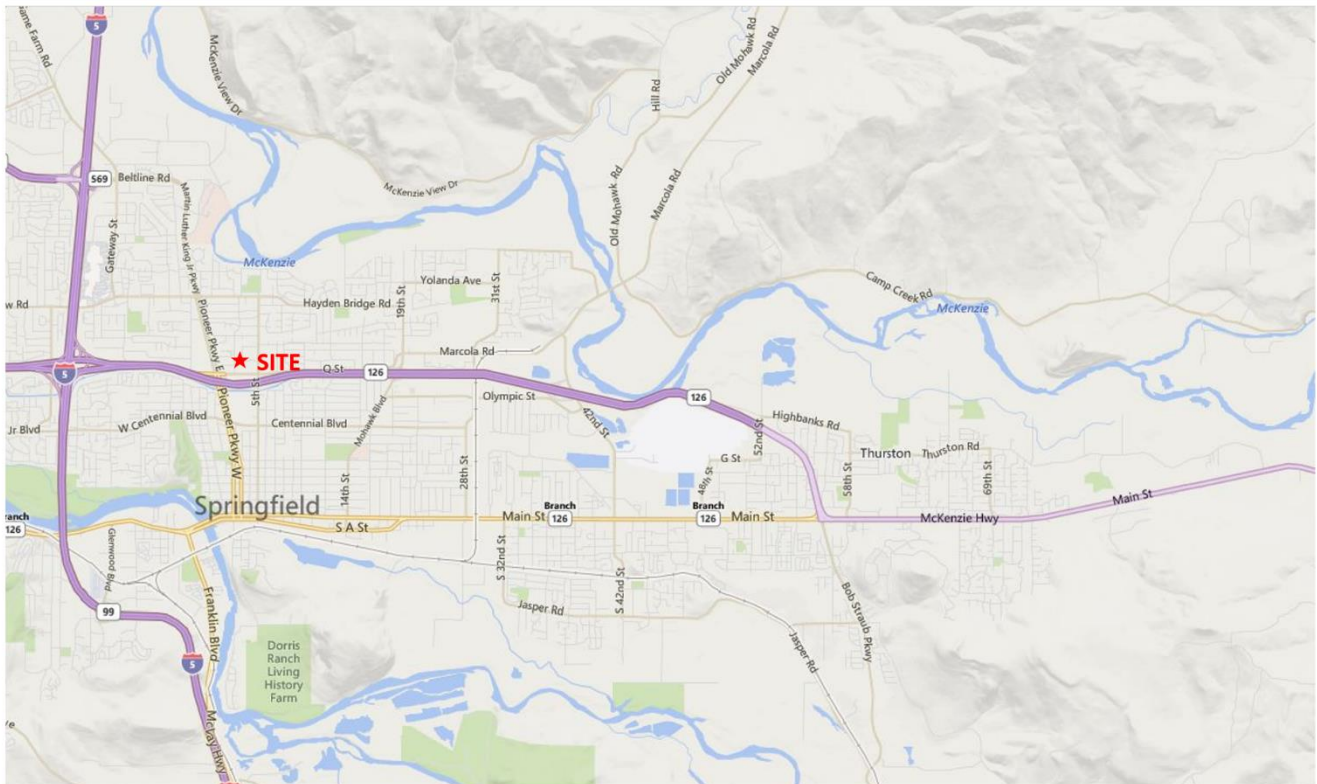


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Plot Map
Map C 2/1/2024

LOCATION OF PROPERTY SUBJECT TO MAJOR VARIANCE REQUEST







**BEFORE THE PLANNING COMMISSION OF SPRINGFIELD, OREGON
FINAL ORDER FOR:**

REQUEST FOR A MAJOR VARAINCE TO SDC 4.7.177(B)(2)]	
TO ALLOW A MARIJUANA RETAILER AT 1853 2 ND STREET,]	811-24-000037-TYP3
WITHIN 1000-FEET OF A SCHOOL (ASSESSOR'S MAP]	
17-03-26-24, TAX LOT 1300)]	

NATURE OF THE PROPOSAL

Proposed Major Variance:

- Grant a variance to the standard in SDC 4.7.177(B)(2) requiring a marijuana retailer to be located at least 1000-feet straight-line distance of a school, to allow a marijuana retailer at 1853 2nd Street within 940-feet of Hamlin Middle School. The subject property is generally depicted and more particularly described in **Exhibit A** to this Order.

Timely and sufficient notice of the public hearing has been provided, pursuant to SDC 5.1.425-440.

On May 7, 2024, the Springfield Planning Commission held a public hearing and conducted deliberations on the proposed Major Variance. The staff report, written comments, and testimony of those who spoke at the public hearing meeting were entered into the record.

CONCLUSION

On the basis of this record, the proposed Major Variance is consistent with the criteria of SDC 5.21.130. This general finding is supported by the specific findings of fact and conclusions as stated in the staff report and findings attached hereto as **Exhibit A** to this Order.

ORDER/RECOMMENDATION

It is ORDERED by the Springfield Planning Commission that Case Number 811-24-000037-TYP3, Major Variance, be approved. This ORDER was presented to and approved by the Planning Commission on May 7, 2024.

Planning Commission Chairperson

Date

ATTEST

AYES:

NOES:

ABSENT:

ABSTAIN:

**Staff Report and Findings
Planning Commission
Major Variance Application for
Rainey Byrd, 1853 2nd Street**

Hearing Date: May 7, 2024

Case Number: 811-24-000037-TYP3

Applicant: Rainey Byrd

Property Owner: Patrick Ewing

Site: The 0.24-acre subject property is municipally addressed as 1853 2nd Street (Assessor's Map 17-03-26-24, Tax Lot 01300). The property is designated Commercial, and zoned Community Commercial (CC) in accordance with the *Metro Plan Diagram* and Zoning Map. The property is designated Community Commercial in the Q Street Refinement Plan.

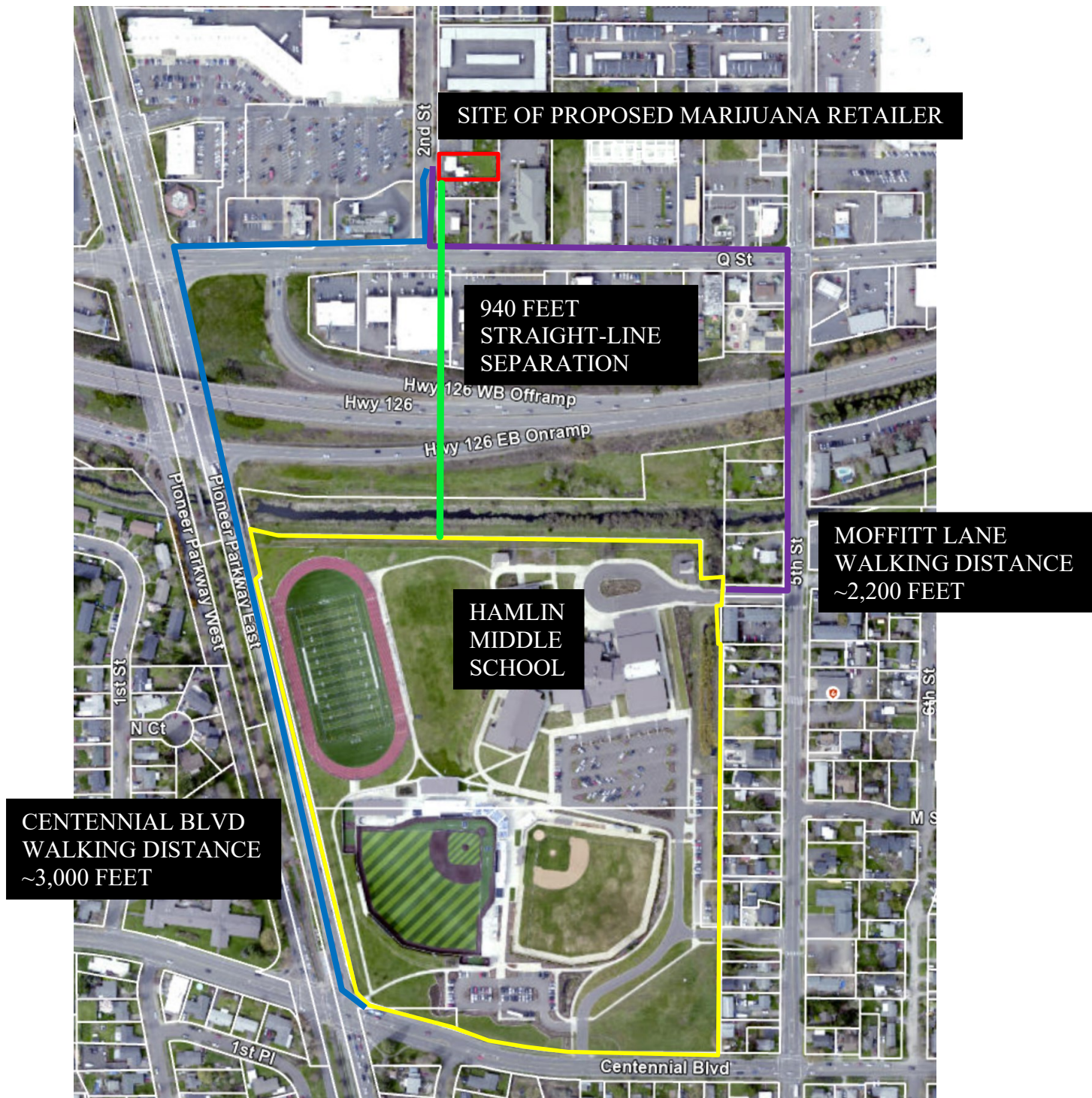
REQUEST

The Planning Commission is asked to conduct a public hearing and deliberations, and approve, approve with conditions, or deny a request for Major Variance for a marijuana retailer within 1000-feet of a school. The applicant plans to establish a marijuana retailer at 1853 2nd Street, but the location is 940-feet from Hamlin Middle School, which is within the 1000-foot straight-line-distance required in the Springfield Development Code (SDC) 4.7.177(B). The major variance request aims to consider geographic and physical barriers between the proposed marijuana retailer and Hamlin Middle School.

SITE INFORMATION/BACKGROUND

The applicant is working with the owner of the property located at 1853 2nd Street (Assessor's Map 17-03-26-24, Tax Lot 01300) to establish a marijuana retailer. However, the site is within 1000-feet (approximately 940-feet) of Hamlin Middle School in a straight-line distance. The major variance seeks to consider physical and geographic barriers to allow a deviation of 60-feet (6%) from the standard. ORS 475C.101 provides that a marijuana retailer may be located within 1000-feet of a school given that the marijuana retailer is not located within 500-feet of a building utilized by the school district for public prekindergarten and kindergarten programs, a public elementary or secondary school for which attendance is compulsory, or a private or parochial elementary or secondary school; and The Oregon Liquor and Cannabis Commission determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the marijuana retailer; or the marijuana retailer was established before August 1, 2017, in accordance with a city or county ordinance adopted under section 29b, chapter 83, Oregon Laws 2016.

As pictured below, the proposed marijuana retail location is outlined in red, and Hamlin Middle School is outlined in yellow. The green line depicts the 940-foot straight-line separation between the two locations. As can be seen, physical barriers such as Highway 126, the ramps that serve the highway, interceding businesses, and Q Street impede access between the two sites. In addition to the physical barriers, the school itself is entirely fenced with designated points of ingress and egress at L Street, Moffitt Lane, and Centennial Boulevard. Geographic barriers such as the Q Street channel and the physical rise of the land that creates the Highway 126 right-of-way also impedes straight-line access between the two sites. Furthermore, taking measured distances into consideration that do not rely on straight-line distance (walking routes), measurements from the two nearest points of ingress and egress at Hamlin Middle School (Moffitt Lane and Centennial Boulevard) results in approximately 2,332-feet from Moffitt Lane and 3,634-feet from Centennial Boulevard to the subject site. Both routes are circuitous and indirect.



Notification and Written Comments

Notification of the May 7, 2024, Planning Commission public hearing was sent to all property owners and residents within 300 feet of the outer boundary of the subject site on April 9, 2024. Staff posted notices on the subject site, the City's website, and the Digital Displays located in City Hall by April 16th. Notification was also published in the April 11th and April 18th editions of *The Chronicle*. Staff received no public comments regarding this application.

* * *

The May 7th public hearing is being conducted via online meeting platform that allows members of the public to listen to the meeting online or by calling a toll-free number. Members of the public may provide testimony to the Planning Commission by joining the online meeting remotely or in person. Details regarding how to join the online meeting were provided in the Planning Commission meeting agenda and posted on the SpringfieldOregonSpeaks online platform¹.

Criteria of Approval

A Major Variance may be approved only if the Planning Commission finds that the proposal conforms with the criteria of approval in SDC 5.21.130.

ORS 227.178 requires that the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted. Introduced and approved through Ordinance 6463, the Springfield Comprehensive Plan is amended to adopt the Springfield Comprehensive Plan Map, Springfield Comprehensive Plan Land Use Element, and conforming text amendments. Ordinance 6463 takes effect on March 1, 2024. This application was first received on February 6, 2024, and deemed complete on February 27, 2024, which was prior to March 1, 2024, and is subject to the applicable standards and criteria at the time of submittal.

CRITERIA OF MAJOR VARIANCE APPROVAL:

SDC 5.21.130 contains the Major Variance criteria that are applicable to this application. The applicable criteria from this section are as follows:

- A. An unusual condition exists that is unique to: a lot/parcel, building or structure; lot/parcel size, shape or topography; the location or size of physical improvements; or other similar circumstances not anticipated by this Code but related to the property that would deprive the owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district;**

Finding 1: The applicant has proposed a marijuana retailer at 1853 2nd Street. The location is approximately 940-feet in a straight-line distance from Hamlin Middle School to the south. Hamlin Middle School is a secondary school for which attendance is compulsory as defined in ORS 339.020.

ORS 475C.101 provides that a marijuana retailer may be located within 1000-feet of a school given that the marijuana retailer is not located within 500-feet of a building utilized by the school district for public prekindergarten and kindergarten programs, a public elementary or secondary school for which attendance is compulsory, or a private or parochial elementary or secondary school; and the Oregon Liquor and Cannabis Commission determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the marijuana retailer; or the marijuana retailer was established before August 1, 2017, in accordance with a city or county ordinance adopted under section 29b, chapter 83, Oregon Laws 2016.

Finding 2: Staff did not find the presence of any buildings within 500-feet of the subject location that are utilized by the school district as listed above.

Finding 3: There are two factors that present unusual conditions at this site as it pertains to straight-line separation of uses: physical and geographic barriers. Physically, Highway 126, the ramps that serve the highway, interceding businesses, and Q Street impede pedestrian access between the two sites. The school itself is also entirely fenced with designated points of ingress and egress at L Street, Moffitt Lane, and Centennial Boulevard. Geographically, barriers such as the Q Street ditch and the physical rise of the land that creates the Highway 126 right-of-way also impedes straight-line access between the two sites.

¹ SpringfieldOregonSpeaks can be accessed at <https://springfieldoregonspeaks.org>

Finding 4: Taking measured distances into consideration that do not rely on straight-line access (walking routes), measurements from the two nearest points of ingress and egress at Hamlin Middle School (Moffitt Lane and Centennial Boulevard) result in approximately 2,200-feet from Moffitt Lane and 3,000-feet from Centennial Boulevard to the subject site. Both walking routes are circuitous, indirect, and are more than double the required distance of straight-line separation.

Finding 5: The major variance request is supported by the existence of physical and geographic barriers as unusual conditions that hinder pedestrian access in a straight-line distance between the subject site and Hamlin Middle School. Actual walking routes were found to be more than double the allowable distance from a school. The major variance request is further supported by State law (ORS 475C.101) that allows marijuana retailers within 1000-feet of a school under certain circumstances. Staff found that no such circumstances existed that would preclude the State law from being invoked in this case.

Conclusion: As proposed, this proposal meets Criterion A for Major Variance review.

B. The Variance shall not be inconsistent with the development standards of this Code or of any applicable Refinement Plan diagram, Plan District map, Conceptual Development Plan, or other applicable plans or studies;

Finding 6: The subject site is zoned Community Commercial which is consistent with the Commercial designation on the *Metro Plan* diagram. No changes of zoning or *Metro Plan* designation are needed to support the major variance and there are no policies of the Springfield Transportation System Plan that apply to the request.

Finding 7: The subject site is located in the Q Street Refinement Plan and designated Community Commercial in the Refinement Plan. There are no additional standards specific to commercial uses at the subject site in the Q Street Refinement Plan. The Q Street Refinement Plan has no policies specific to marijuana uses or the required minimum separation from schools.

Conclusion: As proposed, this proposal meets Criterion B for Major Variance review.

C. The Variance shall have no significant adverse effects on other properties in the same zoning district and/or vicinity, or the request can be conditioned so that there are no significant adverse effects;

Finding 8: The proposed variance does not have a significant negative effect on adjacent properties because there are no off-site changes to existing access, emergency response, and traffic circulation. This criterion allows for some adverse effects, just not significant adverse effect. Impacts from the proposed use will also be addressed through a Minimum Development Standards or Site Plan Review application for the change of use if this variance is approved. Staff did not receive comments indicating concern about significant adverse effects associated with a change of use to a marijuana retailer at the proposed site.

Finding 9: The proposed use is in conformance with and is a permitted use in the Community Commercial zone. No changes to zone or plan designation is required to grant the use.

Finding 10: As designated as a condition for consideration of marijuana retailer within 1000-feet of a school, staff did not find that there are any buildings utilized by the school district for public prekindergarten and kindergarten programs, a public elementary or secondary school for which attendance is compulsory, or a private or parochial elementary or secondary school within 500-feet of the subject site. As described previously, the proposed variance would not result in a pedestrian path of travel from Hamlin Middle School to the proposed marijuana retailer that is less than or equal to the required separation under SDC 4.7.115(C) of 1,000 feet. The proposed marijuana retailer will not be visible from the school property due to the intervening Highway 126.

Conclusion: As proposed, this proposal meets Criterion C for Major Variance review.

D. The unusual condition described in Subsection A. above shall not arise from a previous Code violation or rely only on loss of profit or financial need;

Finding 11: The request for a major variance did not arise from a code violation. The proposed marijuana retailer constitutes a new use and tenant in a pre-established commercial zone where the use is permitted.

Finding 12: The circumstances around the request to locate the marijuana retailer on this property was not based on a loss of profit or financial need for either the City or the property owner. Granting the proposed variance will not change the cost associated with locating a marijuana retailer at the subject property.

Conclusion: As proposed, this proposal meets Criterion D for Major Variance review.

E. The Variance requested is the minimum necessary to alleviate the unusual condition.

Finding 13: The applicant filed the major variance request to seek minimum necessary relief from existing conditions at or around the subject site, that being a 60-foot (or 6%) deviation from the 1000-foot of separation required of marijuana retail uses in relation to schools. The applicant has requested consideration of physical and geographic barriers as unusual circumstances that impede pedestrian access between the two sites, and State law that supports such uses within 1000-feet of schools, as detailed in part A of this report.

Finding 14: Staff did not find the presence of more suitable commercial properties for lease in the immediate area that would have reduced or eliminated the need for this variance request, and there is no evidence that the applicant had other options for locating the proposed marijuana retailer further from Hamlin Middle School.

Conclusion: As proposed, this proposal meets Criterion E for Major Variance review.

CONDITIONS OF APPROVAL

SDC 5.21.135 allows for the Approval Authority to attach conditions of approval to a Minor or Major Variance review request to ensure the application fully meets the applicable criteria of approval:

SUMMARY OF CONDITIONS:

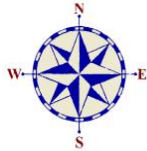
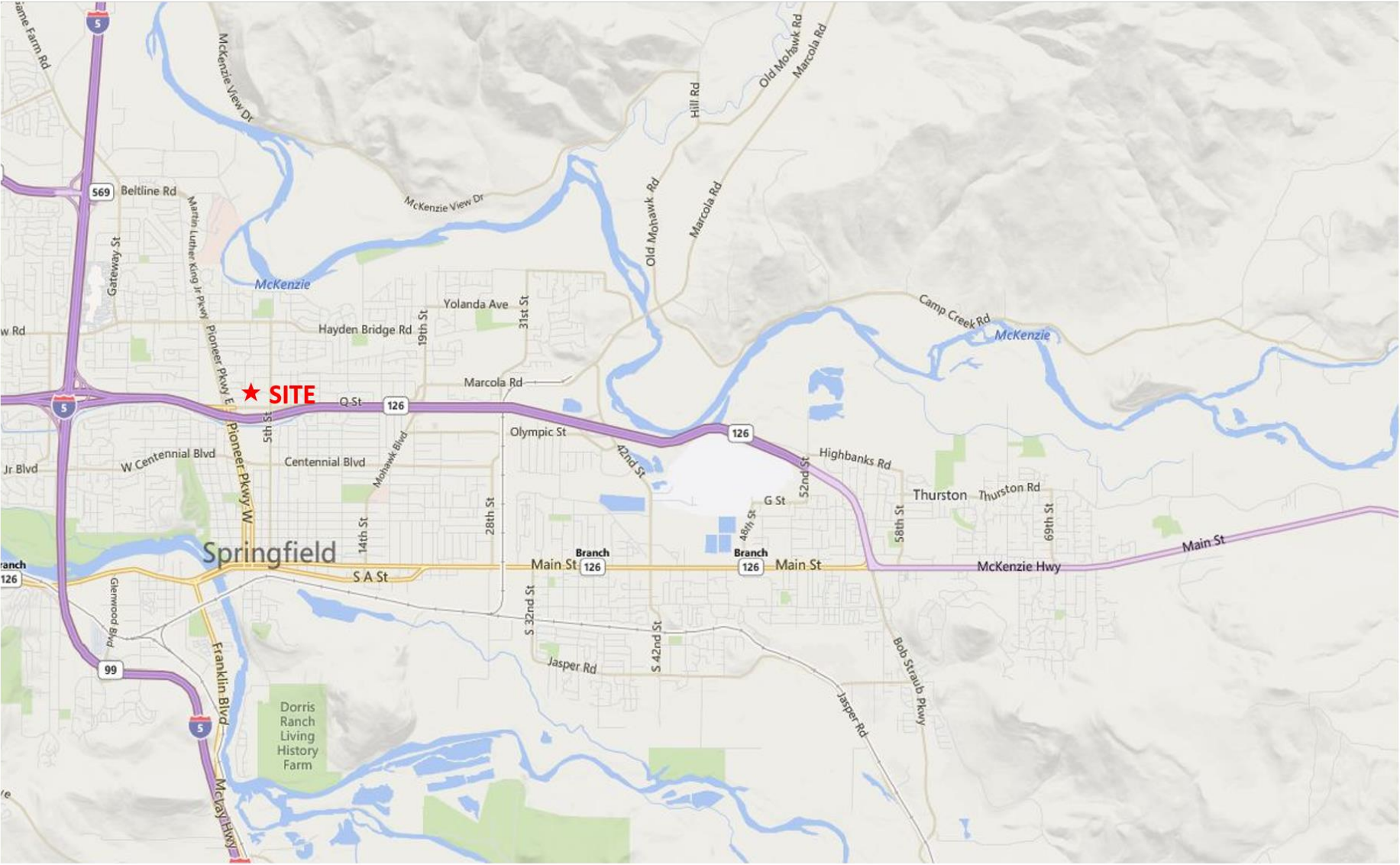
No conditions of approval recommended.

DEVELOPMENT ADVISORY NOTES:

None.

CONCLUSION: Based on the above-listed criteria, the proposal meets the Major Variance criteria as listed in SDC 5.21.130.

LOCATION OF PROPERTY SUBJECT TO MAJOR VARIANCE REQUEST





SITE OF PROPOSED MARIJUANA RETAILER

940 FEET
STRAIGHT-LINE
SEPARATION

CENTENNIAL BLVD
WALKING DISTANCE
~3,000 FEET

MOFFITT LANE
WALKING DISTANCE
~2,200 FEET

HAMLIN
MIDDLE
SCHOOL

SUMMARY OF APPROVAL CRITERIA

- **Criterion A** – An unusual condition exists that is unique to: a lot/parcel, building or structure; lot/parcel size, shape or topography; the location or size of physical improvements; or other similar circumstances not anticipated by this Code but related to the property that would deprive the owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district;
- **Criterion B** – The Variance shall not be inconsistent with the development standards of this Code or of any applicable Refinement Plan diagram, Plan District map, Conceptual Development Plan, or other applicable plans or studies;
- **Criterion C** – The Variance shall have no significant adverse effects on other properties in the same zoning district and/or vicinity, or the request can be conditioned so that there are no significant adverse effects;
- **Criterion D** – The unusual condition described in Subsection A. above shall not arise from a previous Code violation or rely only on loss of profit or financial need;
- **Criterion E** – The Variance requested is the minimum necessary to alleviate the unusual condition.
- Staff Recommendation - APPROVAL



SITE OF PROPOSED MARIJUANA RETAILER

940 FEET
STRAIGHT-LINE
SEPARATION

CENTENNIAL BLVD
WALKING DISTANCE
~3,000 FEET

MOFFITT LANE
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HAMLIN
MIDDLE
SCHOOL